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MUNICIPAL–INDUSTRIAL STRATEGY FOR ABATEMENT

(MISA)

The Public Review of the MISA White Paper

Responses Submitted to the Ministry of the Environment

JANUARY 1987

Ontario
Ministry of the Environment
Hon. Jim Bradley
Minister
Rod McLeod
Deputy Minister

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The public review of the MISA white paper and the Ministry of the Environment's response to it.

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MUNICIPAL—INDUSTRIAL STRATEGY FOR ABATEMENT

(MISA)

The Public Review of the MISA White Paper

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GOVERNMENT	Ministry of Natural Resources Ministry of Industry, Trade & Technology United States Environmental Protection Agency Ministry of Municipal Affairs T. McMillan, Federal Minister of the Environment
CROWN CORPORATIONS	Ontario Waste Management Corporation
UNIVERSITIES	University of Western Ontario Brock University
LAW FIRMS	Gardiner, Blumberg, Somer

INDUSTRIES

ONTARIO PETROLEUM ASSOCIATION

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☒ For your information ☐ Prepare reply for signature by
☐ Reply direct and return a copy ☐ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY:

August 20, 1986

The Honourable James Bradley
Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
M4V 1P5

Dear Mr. Minister:

The Ontario Petroleum Association is pleased to attach its "Response to the MISA White Paper".

We hope that the attached comments will prove to be useful and we would be pleased to discuss them with you and your officials at your convenience.

For your information, the Ontario Petroleum Association (OPA) is a trade association operating in the Province of Ontario in matters relating to the marketing, transportation and refining of petroleum and allied products and services. Our aim is the fostering of an environment such that the Association's member companies may achieve individual objectives while conducting business in a legally and socially responsible manner. Our member companies are: Canadian Tire Corporation Limited, First Pioneer Petroleums (Central) Limited, Imperial Oil Limited, M. Loeb Limited, Petro-Canada Inc., Shell Canada Limited, Sunoco Inc., Texaco Canada Inc., Ultramar Canada Inc., and United Co-operatives of Ontario.

Sincerely yours,

R. A. Shaver

R.A. Shaver,
President.

cc: Messrs: D. Balsillie, J. Bishop, D.P. Caplice, P.J. Crabtree, R.M. McLeod, D.A. McTavish, Ministry of the Environment

Response by the

Ontario Petroleum Association

To The

Ministry of Environment

of the

Province of Ontario

regarding the June 1986

White Paper

Municipal-Industrial Strategy for Abatement

August 22, 1989

ONTARIO PETROLEUM ASSOCIATION RESPONSE TO THE MUNICIPAL - INDUSTRIAL STRATEGY FOR ABATEMENT

SUMMARY

The Ontario Petroleum Association supports the Ministry of Environment's MISA goal to control toxic and conventional contaminants in municipal and industrial discharges so as to safeguard human health, and the ecosystem.

The Petroleum industry has been very positive in its approach to environmental protection and is in the forefront in implementing and optimizing the technology of waste water treatment. Our industry has been meeting the concentration, loading and fish toxicity limits imposed and we are leading in developing the analytical technology to determine trace materials in our effluents. We wish to continue to develop reliable data on trace substances and the evidence we have to date indicates that our waste water treatment plants can be optimized to remove 99% of the trace materials. In the MISA standard setting process our prime concern is that due recognition be given to our industry's efforts to minimize its effluent loading and that we not be penalized by more stringent standards or earlier compliance unless there is demonstrated detrimental impact on receiving waters.

We believe that the following elements should be included in MISA consultative processs to standard setting.

1) The development of scientifically defensible standards based on a realistic assessment of water quality, by the government, relative to the effects on human health and the ecosystem.
2) The development of a realistic and equitable timetable to research and develop standards and to implement control hardware to effect compliance.

Other elements we are recommending be incorporated in the MISA program are that:

3) due account be taken of the net effluent loadings of an industry.
4) the US standards be closely scrutinized as to their suitability to the Canadian scene.
5) propriety process information be respected.
6) a scientifically defensible definition of toxic substances be developed.
7) best management practices be left to the industry to develop and implement to meet government standards.
8) Review of standards should be at infrequent and specified intervals.

Underlying all our concerns in this regulation setting process is that they be consistent, uniform and fairly applied to all industry sectors and municipalities.

OPA RESPONSE TO THE MISA WHITE PAPER

INTRODUCTION

The Ontario Petroleum Association (OPA) welcomes the opportunity to comment on the Ministry of Environment's (MOE) White Paper on the "Municipal-Industrial Strategy for Abatement" (MISA).

The OPA member companies support the MOE's overall goal to control toxic and conventional contaminants in municipal and industrial discharges into waterways so as to safeguard human health, and the ecosystem. This support is consistent with the petroleum industry's proactive approach to understanding the potential for toxic and persistent chemicals in our refinery effluents. Notwithstanding this general support, OPA has some concerns with MISA which are highlighted later in this submission.

Since the 1960's and particularly the 1970's, the petroleum refining industry in Ontario has led the way in constructing and operating effective waste water treatment plants consistent with the knowledge that contaminants had to be removed from plant effluents in accordance with concentration standards set by the province of Ontario and loading limits set by the federal government. It can also be noted that the petroleum industry was the first industry to volunteer to conduct fish toxicity assessment of its effluents, and it continues to test for compliance on a monthly basis.

We believe that the petroleum industry in Canada represented by the Petroleum Association for Conservation of the Canadian Environment (PACE) showed further initiative in 1978 when it decided that the possible presence of trace contaminants other than "conventional" ones should be researched. Accordingly independent research was initiated by PACE to a) characterize refinery effluents for trace contaminants and b) determine whether or not our effluents were carcinogenic or mutagenic.

The 7-year research work culminated in the Trace Substances Study reports and the Neoplasia Study reports which were made available to the MOE when published in late 1985. The Trace Substances Study showed that greater than 99% of the trace substances were removed by well operated existing waste water treatment plants. The Neoplasia Study did not indicate cause for concern with our effluents as discharged.

The Petroleum industry, in recognizing the need to optimize its waste water treatment plants, has developed and run training programs to assist its members in improving and optimizing the waste water treatment plants. The ongoing upgrading programs at many of our refineries are further evidence of the industry's continued commitment to protection of the environment.

The Petroleum Industry should not be penalized by more stringent limits and earlier compliance dates than other sectors as a consequence of showing leadership in improving effluent quality, unless there is demonstrated detrimental impact on receiving waters.

MISA OBJECTIVES

The OPA is in general agreement with the key objectives of the MISA program:

1. We agree that the pre-regulation consultation is a very necessary part of any regulation development process and we strongly support the consultative task force and steering committee approach to the MISA program for each industry sector.

2. A comprehensive data base of trace contaminants in the effluents of the specific industry sectors is vital to determining the degree to which the substances, if any, are present. This process, similiar to some of the work accomplished by PACE for the Petroleum Refining Industry, will permit the identification of specific substances for each industry to manage under regulation.

3. Best Available Technology economically and practically achievable (BAT) is a feasible approach to setting effluents limits. However, we caution that, for the trace substances which are measured at extremely low levels, there is a need for careful correlation between the defined BAT technology and a statistically valid range of numbers required to

generate standards. In order to make best use of industry data and expertise, the OPA should continue to be involved in working with the MOE at the task force level to develop an appropriate program for its sector.

4. The petroleum industry supports the use of water quality impact studies as the correct approach for setting ultimate effluent limits. Because of the highly complex nature of impact studies, including the interelationships between the discharger, other upstream dischargers, and natural phenonomena, we believe that Government not industry should conduct such studies as the government has the extensive resources and expertise required.

Since all industry and non industry sources can affect water quality, only the Government has the authority and responsibility to coordinate the complex assessment of the interelated impacts of effluents from many dischargers.

Furthermore the government validation work proposed in MISA would be expensive and time consuming, and may result in excessive duplication. The OPA supports a sequential approach to ultimate standard setting by first developing numbers based on BAT for all sectors while developing and

carrying out research on appropriate, well designed water quality assessment programs.

5. The OPA concurs with the need for strong, equitable abatement and enforcement mechanisms for all industry and municipal sectors based on well-defined regulations.

6. The OPA believes that public acceptance of the MISA program is important. Appropriate educational and communication programs are essential to ensure full public support of resulting regulations. We believe that an important role of the advisory committee should be to determine the most appropriate public consultation and participation programs.

CONCERNS

While the OPA agrees in general with the MOE's objectives and will continue to offer specific comments through the technical task force and the steering committee, there are, however, some general areas of concern as follows:

1. While the OPA concurs with the need to expedite the MISA Program, we also believe that, given the number of studies being proposed, the timing is overly optimistic. A "rushed" timetable could lead to scientifically and legally indefensible regulations, which are not in the interest of OPA or MOE or the public. The studies underway and proposed require careful quality control and analytical interpretation. Since we firmly believe that quality research is required, we strongly recommend more realistic timing which takes into account all the peripheral programs as well as those indicated in the White Paper. We would welcome the opportunity to discuss this further at both the advisory committee and task force level.

2. It is necessary that a fair and equitable approach be taken to setting the regulations across the industry and municipal sectors. We believe all sectors should come into compliance

with regulations at the same time. Since standards for the petroleum industry will be developed first, we recommend that a program of voluntary compliance be instituted in the interim while the standards and regulations are developed for the municipal and other industrial sectors.

3. Some of the data developed in compliance with MISA, will be in the public domain. It is essential that safeguards to protect proprietory and confidential process information be in place.

4. In measuring compliance, recognition must be given to raw intake water quality which may be significantly affected by non-Canadian sources, non-point sources and other anthroprogenic sources. Industrial dischargers should only be held accountable for the net loadings from their own operations.

5. Defining a toxic substance is a complicated undertaking and the consultative process should be used in developing an acceptable, scientifically valid definition.

6. The MISA paper suggests periodic review and tightening of standards based on technology changes. For orderly,

economic and practical abatement to occur, review of standards should only be undertaken at infrequent and specifified intervals. A period of 10 years is suggested, unless water quality is being harmfully impaired in the interim.

7. The MISA paper places significant reliance on US standards. OPA believes strict acceptance of these standards is inappropriate. Care should be taken to ensure that standards adopted have relevance to the Canadian scene and the sectors involved. Factors such as the historical development of both Ontario and Federal regulations, Canadian climate, economic and technical differences were not considered in the development of U.S. standards or regulations.

8. The 180 days specified for compliance after the regulation has been promulgated would not provide enough time for the installation of pollution control equipment, should it be necessary. The budgeting, design, appropriation, contracting and constructing of major units normally requires 4-6 years. The timing also may restrict the orderly development of a technically sound abatement strategy. Of course unnecessary delay should not be accepted.

9. In regard to Best Management Practices OPA believes the responsibility for developing and establishing these practices on a site specific basis lies with industry while the Government role is to establish the standards that those management practices should achieve.

10. The MISA strategy is wide ranging, complex and thorough. Care should be taken as the process proceeds towards regulation, that the final regulations and their application provide for consistency, uniformity and fairness.

CONCLUSIONS

The OPA commends the MOE on the overall management and consultative approach taken in the MISA program and advocates a similar mechnism for future regulation development. We would be pleased to discuss these comments at anytime.

PETROSAR LTD.

JB

PETROSAR LIMITED

. . . a Polysar Company

POLYSAR

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July 29, 1986

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AUG 07 1986

WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

The Honourable Jim Bradley
Ontario Minister of the Environment
15th Floor, 135 St. Clair Avenue, West
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley,

Petrosar Limited is pleased to provide the attached brief in reponse to your invitation of June 24, 1986 for public input on Ontario's White Paper entitled "Municipal-Industrial Strategy for Abatement".

Petrosar endorses the goal of the program and is in general agreement with the overall strategy. While we have concerns with some of the specifics outlined in the White Paper, we have not commented on them since many of the details have yet to be developed, and we are confident of the Ministry's continued commitment to engage in the consultative process on these items. We recognize that MISA's success will depend on the definition of the best available technology economically achievable (BAT). We urge you to extend the present government-industry consultation process to develop the definitions of BAT and the resultant discharge limits for each industrial sector.

Petrosar Limited remains committed to work with you and your Ministry to develop an effective and equitable strategy to protect our environment. Please contact us if you would like clarification of our comments or further information on our operation.

Yours truly,

R. A. Grimshaw
Manager, Corunna Operations

cc: Mr. R. M. McLeod, Q.C., Deputy Minister
Mr. J. Bishop, Director, Water Resources Branch ✓
Mr. D. A. McTavish, Director, Southwest Region
Mr. J. F. Janse, Manager, Sarnia Office

PETROSAR LIMITED

...a Polysar Company

COMMENTS ON

ONTARIO MINISTRY OF THE ENVIRONMENT

MUNICIPAL - INDUSTRIAL

STRATEGY FOR ABATEMENT

(MISA)

JUNE 1986

JULY 28, 1986

INTRODUCTION

Petrosar Limited's Corunna Manufacturing complex is Canada's first world-scale petrochemical refinery. It is also one of North America's largest integrated petrochemical refining complexes, capable of producing 2.8 billion pounds (1.3 million tonnes) of primary petrochemicals annually along with various fuel co-products for both the domestic and export markets. Commercial sales of petrochemicals began in 1978. Petrosar became 100% owned by Polysar Limited in June 1985, but carries on business as Petrosar Limited.

Petrosar's refinery complex processes crude oil and condensate, as well as natural gas liquids (NGLs) on a limited basis, for the production of primary petrochemicals. These are ethylene, propylene, butadiene, isobutylene, n-butylene, benzene, and toluene/xylene. Coincident with this petrochemical production, some fuel co-products result: synthetic natural gas, liquified petroleum gas, gasoline components, diesel fuel, No. 2 oil, and heavy residual fuel oil.

Built between 1974 and 1978, the plant was designed with modern environmental concepts and state-of-the-art designs. The basic components of the plant's environmental designs are:

- elimination, reduction, or reuse of contaminated streams
- segregation of water streams for optimum treatment
- major reduction of water intake and discharge by using an on-site cooling tower, the second largest in Canada
- state-of-the-art treatment of the remaining small volumes of effluent using three stages of primary separation, biological oxidation, and activated carbon polishing
- hold-up and recycle capability built in to the effluent treatment plant
- controlled discharge to the St. Clair River through an extended underwater outfall and diffuser.

This state-of-the-art design, installed at substantial original capital cost, results in an effluent to the river which is extremely low in volume and high in quality, compared to many conventional oil refineries.

It is Petrosar's policy to conduct its operations and market its products in an environmentally responsible manner so that its activities minimize hazards to human health and the natural environment. From its inception in 1974 the company has maintained comprehensive environmental protection programs and worked to advance the state-of-the-art of environmental protection in the petroleum industry. We fully support the development of effective environmental programs by government.

In our February 1986 brief, in response to the Ministry's St. Clair River Draft Regulation, we expressed concern with the public perceptions created by the Ministry's focus on Sarnia industry. We are pleased that the MISA white paper proposes to apply the program evenly across the province. However, we are disappointed that the Minister's Statement to the Legislature and the MISA White Paper both imply that the St Clair River is the worst area in the province. We urge the Minister to give credit where it is due for the progress made by Sarnia's industry, and to ensure that the St. Clair River is placed in proper perspective with all waterways across the province.

Historically, the petroleum industry has worked diligently to advance environmental protection technology and has worked with government to develop workable and effective legislative and regulatory requirements. Six years ago the industry recognized the importance of toxics in refinery effluents and initiated studies to evaluate their presence, fate, and effects. It is because of this proactive approach that the petroleum industry is presently in a position to make a meaningful contribution to the development of the MISA program. In fact, the advanced state of the petroleum refining industry's programs is the very reason that it is in a position to take a lead role with the Ministry in developing MISA.

In view of the above we are very disappointed in statements on page 3 of the White Paper that the petroleum refinery industry is a major toxic polluter, and the perception that is created that MISA is taking a worst - first approach. We believe it is unfortunate that such statements may undermine the petroleum industry's historical co-operative and proactive approach to environmental matters; such an eventuality would ultimately be detrimental to the Ministry's programs.

MISA GOAL

MISA proposes a uniform, comprehensive and systematic program to identify, measure, and control the discharge into Ontario's waterways of persistent toxic substances as well as conventional pollutants. As stated in the White Paper ". . . MISA's ultimate goal is the virtual elimination of toxic contaminants in municipal and industrial discharges".

Petrosar fully supports this goal in principle. However, there are three key concepts that we believe must be clearly retained as integral components of the goal, namely:

1. This is an ultimate goal which may never be fully achieved in practice.

2. It is impossible to achieve absolute elimination of toxic contaminants, particularly in view of constant advancement in our ability to detect minute quantities of contaminants.

3. The goal applies to toxic contaminants which pose a risk to fish, plants, wildlife and human beings, even at low concentrations; are persistant and either never break down or do so only very slowly; accumulate in the environment; and are passed up the food chain in increasing amounts.

While we fully endorse the program's goals as qualified above, we have comments on some of the underlying principles and specific approaches to achieve this goal as outlined in the White Paper. Our specific comments are contained in the following sections of this brief.

OVERALL STRATEGY

MISA proposes to move from the present concentration based criteria governing water discharge, to a limit based on loading which is established by the application of the best available technology economically achievable (BAT). Petrosar considers this shift to be appropriate provided the applicable BAT is properly defined and consistently applied.

Petrosar agrees with the overall strategy of identifying and quantifying current discharges, defining and implementing the best available technology economically achievable, considering receiving water quality impact, and providing effective enforcement mechanisms.

We are pleased that joint consultation mechanisms have been established between governments, interest groups, and the affected industry to identify and quantify the existing discharges. We urge the Ministry to establish joint consultation for each of the remaining components of the program. Since industry is the most knowledgeable about the applicable control technology, we believe it is particularly critical that industry be directly involved in developing the definitions of best available technology economically achievable, and the resultant discharge limits.

We also agree with the intent to apply the program evenly to all dischargers throughout the province. We urge the Ministry to ensure that there is full follow-through until all sectors are covered.

The White Paper states that "uniform application across each sector in the province will . . . avoid putting any individual discharger at a competitive disadvantage". This is true with respect to competition within the province. However, Petrosar is a world scale operation and must be able to compete in the world market, particularly with petrochemical producers in the U.S. Gulf Coast. In addition, our product prices can have a large impact on the viability of downstream users of our products, many of which are smaller and more labour intensive operations in Ontario. We therefore urge that the requirements developed under MISA take into consideration the impact on the affected industry's downstream customers and on its competitive position in other jurisdictions. Failure to do so could result in Ontario's industry being put at a significant competitive disadvantage in the marketplace.

DEVELOPMENT OF BEST AVAILABLE TECHNOLOGY (BAT)

The White Paper outlines the proposed approach to define BAT for each industrial sector, and sets out some general principles.

Petrosar agrees in principle with applying the concepts of BAT to control discharges to water ways. BAT must provide for technically and economically practicable controls. BAT must also be structured in a way that does not inhibit economic growth and industrial development. It is essential that the affected industry be directly involved in defining BAT and the resultant discharge limits.

We agree that there should be a periodic review of available technology and subsequent updating of discharge limits. However, we also believe that there needs to be reasonable stability so that industry knows what is required of it. Additionally, if BAT is properly defined it is likely to be valid for some time. We therefore suggest a period of at least 10 years between reviews and updates of requirements based on BAT.

Petrosar strongly endorses the proposal that once effluent limits are set, the actual choice of methods or technology be left up to the individual discharger. This performance based approach is essential to foster innovation.

DEVELOPMENT OF COMPLEMENTARY PROGRAMS

MISA proposes to require each discharger to carry out receiving water assessments which would be validated by the Ministry. We believe it is inappropriate to place this responsibility on dischargers. While the approach might sound good in theory, it would have several over-riding drawbacks in practice. Some of these are as follows:

1. The expertise to conduct these studies is virtually non-existant in industry or municipalities. However, the Ministry has established the expertise to conduct such studies.

2. The discharger is placed in a position of having to prove "no effect" - a virtual impossibility.

3. Studies conducted and paid for by the dischargers would have very little credibility with the public, whether or not they are validated by the Ministry.

4. In order to conduct the study, the discharger would have to have full information on all other sources to the water course in question and the existing conditions in the water course. This comprehensive information is not normally available to the discharger.

5. The proposed approach puts the discharger in the position of having to define acceptable receiving water quality criteria. We believe this must remain a responsibility of the Ministry.

6. Even with clearly defined protocols there would be a problem with consistency between studies.

In view of the above we strongly recommend that the Ministry continue to be responsible for the development and implementation of complementary programs based on receiving water quality, namely receiving water assessments.

EFFLUENT LIMITS REGULATIONS

Petrosar applauds the proposal to include a clear definition of non-compliance with any requirement of the regulation.

The White Paper proposes specific steps to be followed when an effluent limit is exceeded. We suggest some form of progressive or tiered approach which is geared to the magnitude and environmental impact of the exceedence, and takes into consideration the discharger's historical performance. Such an approach would ensure fair treatment of those who have environmental incidents in spite of working diligently to protect the environment; as compared to those who behave irresponsibly towards the environment.

/cb

ONTARIO FOREST INDUSTRIES ASSOCIATION

MINISTRY OF ENVIRONMENT
AUG 2 0 1986
ASSISTANT DEPUTY MINISTER

Ian D. Bird
President

August 19, 1986

Ontario Forest Industries Association
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The Honourable James Bradley, MPP
Minister of the Environment
15th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

File No. 1-7-3

Dear Mr. Bradley:

This Association has completed its review of the White Paper "Municipal-Industrial Strategy for Abatement", which is attached for your consideration.

We have had the opportunity of discussing the MISA initiative with your staff and can advise that our pulp and paper member companies are committed to participating in the MISA project. This participation is consistent with the industry's commitment to control the discharge of undesirable by-products of manufacturing within financial and technological limitations.

Yours truly,

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WATER

IDB:kw
Attach.

D. BALSILLE
AUG 19 1986
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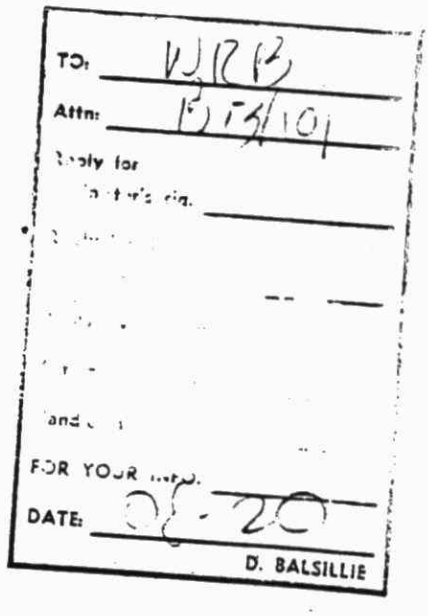
ONTARIO FOREST INDUSTRIES ASSOCIATION

RESPONSE TO THE
ONTARIO MINISTRY OF THE ENVIRONMENT WHITE PAPER
ON MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

AUGUST, 1986



ONTARIO FOREST INDUSTRIES ASSOCIATION
RESPONSE TO THE ONTARIO MINISTRY OF THE ENVIRONMENT WHITE PAPER ON MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

The Ontario Forest Industries Association, through its Environmental Affairs Committee, has reviewed the Ontario Government's White Paper entitled "Municipal-Industrial Strategy for Abatement" or MISA.

Whilst our industry shares the concern of the Government regarding a build-up of persistent and/or toxic chemicals in the environment, we have a number of concerns about the proposals contained in the White Paper. We believe that the main thrust should be directed towards those persistent bio-accumulator-type chemicals whose long-term effects are known to be harmful, or to known mutagenic and/or carcinogenic compounds. However, at the same time, the program should not be allowed to become merely a demonstration of technical advances in analytical chemistry that permit minute quantities of complex organics to be identified and quantified. Abatement requirements should be based upon realistic criteria, scientifically established with adequate cause/effect relationships.

The MISA program is apparently aimed at toxic or persistent toxic contaminants, although it is not made clear which. The White Paper gives no indication of how or by

whom toxicity or persistence will be defined. Reference is made to a review of the Ministry's current "Water Management, Goals, Policies, Objectives and Implementation Procedures of the Ministry of the Environment" document (Blue Book). Whilst the MISA program includes provision for non-governmental input into the pre-regulation phase, there is no indication of what opportunities there will be for timely input into the Blue Book review or the determination of what contaminants should be subjected to "Best Availability Technology" (BAT) requirements. It is unclear as to how "BAT" will be defined or who will decide what is "economically achievable". These are areas we suggest for joint discussion between the Ministry and industry, not for unilateral imposition. We believe that is is absolutely crucial to the success of MISA and to the continued prosperity of our Province that the need to control or regulate a particular contaminant be examined very carefully. The degree of exposure to a contaminant and the impact of exposure must be given equal weight with the facts of its presence when determining discharge limits. It must also be remembered that many so called toxic contaminants are readily biodegradable and thus disappear from the environment rapidly. We must ensure that the levels of control demanded are truly reflective of a contaminants impact on the environment.

The establishment of effluent limits beyond the BAT phase, based upon "Water Quality Impact" is of some concern. This implies a requirement over and above that defined by "Best Available Technology - economically achievable". Once the best available technology is applied, one can do no more until new technologies become available, which leaves "economically achievable" the only area for a more stringent requirement. The imposition of more stringent requirements in some cases carries with it the potential for putting industries at a competitive disadvantage and, therefore, must be approached with caution and sensitivity. It is unclear as to whether the whole thrust of the MISA program is to be based on a realistic evaluation of the impact on the environment or based solely on BAT - "we can do it so we will do it". The latter approach would put a very real but unnecessary strain on the limited financial resources of an industry that is striving to remain internationally competitive. We strongly suggest that the Ministry retain the "exception case" deviation for water quality objectives as spelled out in policy 2 on page 14 of the "Blue Book". Such ability to permit deviations in exceptional cases can be very important to members of our industry, and can be at least equally important to the Ministry, whenever such "exceptional cases" arise in real life.

As presented in the White Paper, the best available technology concept for effluent discharge limits may well result in over-regulation by requiring treatment for treatment's sake. We especially object to the "moving target" approach which requires the application of advancing technology irrespective of whether any specific environmental situation needs, or would benefit significantly from, the decrease in contaminant discharge.

During the past twenty years, the Pulp and Paper Industry in Ontario has invested $308 million in water pollution abatement facilities. Expressed in 1986 dollars, this amounts to about $555 million. Over the same period, the industry has invested $155 million in air pollution control facilities for a total pollution abatement expenditure expressed in 1986 dollars of $834 million. The expenditures on water related projects had a substantial impact on the loadings from the pulp and paper mills, reducing suspended solids by some 90% and biochemical oxygen demand by about 65%. While these are so-called conventional pollutants, many of the abatement projects involved have also reduced the discharges of materials that might be classified as "toxic" compounds.

We suggest that the Ministry is being too modest in suggesting that only conventional pollutants have been controlled to date. Either directly or through cooperation with other agencies, the Ministry has effectively controlled many non-conventional contaminants such as mercury, lead, zinc, PCB's DDT, Mirex and other pesticides.

The reductions noted above have been achieved through a cooperative problem-solving approach involving both the Ministry and our industry. However, having invested these large amounts of money, we are now faced with the likelihood of still more expenditures without knowing that they will satisfy the proposed regulations. And, of course, in addition to MISA, the Air Pollution Regulation (Reg. 308) is also under review and may result in more stringent requirements.

Effluent and emission control regulations are not the only regulatory activities facing industry. The Government of Ontario is currently holding public hearings on the issue of pay equity and has a task force investigating hours of work and overtime. Both of these latter issues have the potential to significantly affect the costs of producing pulp and paper. The use of chemical pesticides or the lack thereof will have long term effects on the availability of raw material for our industry. All of these

are legitimate government concerns deserving of review. However, it is crucial that government and its ministries recognize the total impact of its actions on industrial activity and not judge the impacts of individual programs in isolation.

We note from the Minister's Foreword to the White Paper that he opposes concentration limits, although we do not believe that any operation has seriously considered increased water usage to overcome abatement requirements. In fact, the pulp and paper industry in Ontario has long supported the elimination of effluent limits expressed in terms of concentration. Such limits have had and continue to have a negative impact on pollution abatement efforts. Reduction of water use can often result in reduced contaminant loadings to the environment; however, the two do not always decrease in parallel. Thus situations arise where effluent volume and contaminant loading decreae but contaminant concentration increases. In the past, this has been a particular problem with regard to suspended solids discharges and effluent toxicity as defined by the 96-hour fish bioassay. There have also been instances where mills discharging to municipal sewers have been subjected to sewer use surcharges because of increased contaminant concentrations even though the total loading has decreased. Total loading to the receiving

water, or to the municipal sewer, should be the criteria. We would also like to point out that despite the Minister's comments, the Ministry continues to emphasize concentration as a major criterion with respect to industrial effluents, as evidenced by data presented in July, 1986, MOE report, "Preliminary Investigation of Trace Contaminants in Pulp and Paper Mill Effluents", where all the effluent discharge data for trace contaminants are presented in terms of concentration. On the other hand, it has also recognized the need to get away from using concentration as the major criterion in some existing control orders in our industry, where some discharge limits have been expressed, either solely or alternatively, in terms of average loadings in tonnes per day. The "BAT" approach surely requires expression in terms of contaminant loading per unit of production. (Obviously, BAT alone cannot define loadings in terms of daily rates.)

The target for having the complete MISA abatement program in place for all eight industrial sectors is early 1989. With respect to our own industry we note that: (1) the absence of adequate analytical protocols was highlighted in the July, 1986, MOE report, "Preliminary Investigation of Trace Contaminants in Pulp and Paper Mill Effluents"; (2) at this time, we have no knowledge of the availability

of commercial analytical facilities whose results would be acceptable to both the Ministry and Industry; (3) the anticipated volume of analytical work required for monitoring by our industry may well overload any existing acceptable commercial facilities; (4) the volume of work required to assess the monitoring results will be considerable; (5) subsequent stages of developing MISA for our industry will require a very significant amount of work and time.

In view of the foregoing, we would be remiss if we did not point out most emphatically that the Ministry's indicated schedule for completing the MISA program for our industry may not be achievable.

We appreciate the opportunity to comment on the White Paper and look forward to further discussion with the Ministry on the development of the program.

ALCAN ROLLED PRODUCTS

Alcan Rolled Products Company
Kingston Works

P O. Box 2000, Kingston, Ontario. Canada. K7L 4Z5. Telephone. 613 549-4500

ALCAN

8 August, 1986

Mr. P.R. Crabtree,
Assistant Director,
Water Resources Branch,
Ministry of the Environment,
135 St. Clair Avenue West,
Suite 100,
Toronto, Ontario, M4V 1P5

Dear Mr. Crabtree:

Thank you for forwarding a copy of the White Paper on MISA.

The industries I represent include aluminum rolling mills, from ingot to aluminum foil, wire and cable manufacturers, aluminum extrusions, aluminum windows, aluminum siding, and manufacturers of aluminum truck bodies.

Please advise me of the industrial sector(s) to which these industries would belong, the planned implementation date for these sector(s), and any further information which would be helpful for planned implementation.

Thanking you in advance for your co-operation.

Yours truly,

E.M. Seddon
Manager,
Occupational Health,
Safety & Environment

EMS:SB

RECEIVED
AUG 1 A 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

DOW CHEMICAL CANADA

M.I.S.A. - Bolt

DOW CHEMICAL CANADA INC.

Vidal Street, P.O. Box 3030, Sarnia, Ontario, N7T 7M1

MINISTRY OF THE ENVIRONMENT
AUG 28 1986
ASSISTANT DEPUTY MINISTER

ONTARIO MINISTRY OF THE ENVIRONMENT
AUG 22 1986
SARNIA OFFICE

August 22, 1986.

J.N. Bishop
Director of Water Resources Branch
1 St. Clair Ave. West, 4th Floor
Toronto, Ontario M4V 1K6

Dear Mr. Bishop:

Please find attached Dow Chemical Canada Inc., Sarnia Division comments on the MISA program White Paper.

Due to time constraints resulting from vacation periods we were unable to complete our comments. As a result the bulk of our submission identifies problem areas without offering solutions. Therefore I request that we be able to send a supplementary submission in 2 weeks time (by September 05th) offering solutions to the problems we have identified.

In addition, we offer comments on the Greenpeace, Greenpaper, also attached.

I trust this meets with your approval.

Thankyou for your consideration.

Regards,

S.J. Bolt

S.J. Bolt
Manager, Environmental Services
Sarnia Division
20,1/33/lep

D. BALSILLIE AUG 26 1986
08M26M
LOG #
☒ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ■ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
FROM: CORRESPONDENCE CENTRE REPLY BY:
WRB
Attn: Bishop
Reply for Minister's sig.
Reply for D.M.'s signature
Reply my signature
Action requested
Handle at Branch
Date: 01-24
D. BALSILLIE

RECEIVED
AUG 29 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

August 19, 1986

J.N. Bishop
Director of Water Resources Branch
1 St. Clair Ave. West
4th. Floor
Toronto, Ontario
M4V 1K6

Dear Sir:

In regards to the "MISA" White Paper recently tabled in the Ontario Legislature we are pleased to offer the following comments for your consideration.

1. General Comments

One thrust of the MISA program is continual improvement and thus it parallels Dow's own philosophy in this regard. The general approach taken by the Ministry of the Environment to promulgate an effluent monitoring regulation which will result in development of a data base defining the concentration and loadings of pollutants in industrial and municipal outfalls followed by an effluent limits regulation to define the upper limit for certain pollutants is one which if implemented appropriately will be acceptable to Dow. However, there are a number of areas that we believe to be a real cause for concern.

The preamble to the paper suggests that suddenly Ontario is faced with an "increasing presence of toxic contaminants in the lakes, rivers" etc., and that the situation is much worse than during the past and must be addressed on a priority basis. This suggestion is misleading. Although there is some legitimate concern about the presence of toxic and persistent pollutants in the aquatic system, it has not been firmly established that, at the very low concentrations at which they are found, they represent a threat to the health of living creatures. In fact, there is much evidence that in some systems, e.g. the St. Clair River, the level of toxic pollution has decreased continuously over the past decade and that the aquatic environment has shown a parallel improvement. It is the advancement of analytical technology, which has permitted the identification of pollutants at very low concentrations, that has generated a new awareness of their presence and thus the concerns about it. That awareness alone does not infer a continuously degenerating environmental situation which requires hasty actions on the part of government and industry. It is unfortunate, but not surprising, that, in the White Paper, industry has received no credit for pollution reduction even though not required by regulation to do so.

The validity of the timetable identified, especially for implementation of the effluent limits regulation, is very much in question. If, indeed, that regulation for a given sector or sector company is to be reasonable and acceptable, the Ministry must assure a sound statistical treatment of the data generated under the monitoring regulation. The EPA experience to date confirms that the task is very large and adequate time must be allowed to do it well. Our view is that to suggest implementation of the effluent limits regulation within 9 - 12 months following that of the monitoring regulation is quite unrealistic.

On page 10 of the White Paper it is stated that "the uniform application of BAT effluent limits across each sector of the province will avoid putting any individual discharger at a competitive disadvantage". If, indeed, the MOE does not recognize the diversity within a sector, this statement may be quite invalid. Additionally, it is essential to recognize that industrial competition is not only on an intraprovincial basis but that much of the Ontario-based industry must compete both nationally and globally. Regulatory requirements significantly more demanding within the Ontario jurisdiction than elsewhere will dramatically degrade the competitive position of industry located here.

2. Effluent Characterization

It is the stated intention of the Ministry to require a broad spectrum analytical scan of all industrial effuent discharged to surface waters and it has been suggested that the list of pollutants to be scanned might be the same for all sectors and for all companies within a given sector. It is necessary for the Ministry to recognize that this arbitrary approach may be unfair to many companies in that it would impose an unnecessary expense. It is suggested that consideration be given to design of a characterization scan that is more reflective of the pollutants to be expected in particular effluent streams on the basis of the process technology being employed. That approach may, indeed, identify some species which would not be on a predetermined list but would not require analyses for species that would not/could not arise from the processes in question. For example, to exclude the pesticide group from the characterization scan would be most reasonable if pesticide production were not part of the plant-site operation. It appears that EPA has decided not to regulate pesticides in the effluent from plants in the Organic Chemicals Sector. In any event, the frequency of characterization should be minimized.

3. Monitoring Regulation

There is a need to emphasize strongly the importance of a quality assurance program for each of the effluent sampling, effluent analyses and effluent flow measurement routines. The validity of pollutant loading data will depend upon the validity of each of these steps and as reported must refect the variability associated with each. The protocols established for these determinations must involve a statistical treatment of the data and the results obtained must be evaluated in light of the statistical control limits defined. Audit sampling by the Ministry will be only for the purpose of confirming that the results reported are valid within those limits.

The White Paper states (page 3) that "all samples taken by the companies will be duplicated, with the duplicate sample being available for the Ministry". No indication is given of the retention time which would be involved; if it were more than a few weeks, then retention sample inventory would become unwieldy. Furthermore, very often the analytical data are not representative of the composition of the sample taken if it is held for more than a few days prior to analyses due to vaporization of volatiles. In the latter regard, there is a need for concern for the validity of data from contract laboratories if there is a significant lag time between sampling and analyses. The work load generated for those laboratories by this program would suggest that there may be long delays for some time to come.

4. BAT vs. Water Quality Impact Approach to Effluent Limits

We believe that environmental impact should be the fundamental rationale for any regulatory activities undertaken with respect to effluent limits. Although the assessment process leading to derivation of water quality based limits would be difficult and time consuming, a supportable regulation would be the outcome.

Although the BAT approach has some political merit there are a number of serious disadvantages inherent in this approach.

The MOE plans appear to rely heavily on EPA work on the BAT concept. We believe the EPA limits proposed for the U.S. to be seriously flawed and for the organic chemical industry likely technically unachievable. U.S. EPA has been working on organic chemicals regulations for 11 years and still have not finalized them. Therefore the timing laid out by the MISA program appears unrealistic if reliance on EPA background is a factor.

The White Paper states that "the requirement of the two approaches will be compared and the discharger will be required to comply with the more stringent of the two limits" (page 9). Although one can see the political value of such a statement, the technical rationale for it is difficult to appreciate. If the concern is truly for the environmental impact, i.e. the water quality impact, then the acceptable discharge loading should be defined on that basis in Kg/day. If in-place technology permits that loading constraint to be met, then there should not be a requirement to upgrade it. If it cannot, then the discharger would be required to upgrade. If BAT economically achievable will not permit meeting of the defined effluent loading limit, then the only option would appear to be termination of the operation.

It is noted (page 8) that "dischargers will be required to carry out receiving-water assessments to evaluate the water quality impacts of the various toxic contaminant levels in their effluents". Although the paper identifies several possible studies that might be required to determine the water quality impact (pages 42 and 43), the criteria that would apply for the assessment have not been revealed. It will be very difficult for industry to assess the cost of such an assessment until the specific requirements have been defined. Furthermore, it appears somewhat incongruous that industry would be expected to finance the acquisition of the data which the Ministry would use to define water quality impact, i.e. to constitute the bases for effluent limits definition.

The indication is that the Ministry would make use of EPA documents when defining BAT for control of toxics. This they consider is valid because "EPA used a large data base for most sectors, and most industries use similar processes in North America" (page 36). Although this statement itself may be generally valid, the Chemical Manufacturers' Association in the United States has severely criticized the way in which the EPA have employed the data base to define proposed effluent limits in that it has not recognized the analytical variability involved and has even, in some instances, rejected data that were within acceptable variability limits.

As mentioned above, it is imperative that effluent limits be defined so as to reflect the inherent variability as determined by the effluent monitoring program. It is appropriate to suggest at this point that compliance with the effluent limits regulation should be monitored by use of a control chart which identifies the upper and lower control limits. Such charts permit easy identification of trends and could be employed conveniently by both industry and the Ministry to assess performance. The Ministry's statement that "the performance level for the defined technologies will be established in statistical terms" (page 36) might, indeed, suggest that they would be quite willing to accept control charts for reporting purposes.

During discussions of BAT, the Minstry has made some statements which tend to be somewhat contradictory. In point 14, page 38, it is stated that "the effluent limits will be framed in terms of performance only. The industry or municipality will have the option to choose the means of achieving the effluent limits". In point 8, page 37, however, they say that "Based on treatment efficiency and cost, the best available technology and its abatement performance will be defined. In choosing best technology, the Ministry will consider——". It is our position that the first statement should apply, i.e. that industry should be allowed to choose the technology which permits it to meet the defined effluent limits. This emphasizes again the importance of the effluent limits being defined by water quality impact of the pollutant and not by the best that can be achieved by available technology. The changing of defined effluent limits with time should also be on the basis of recognized need to further reduce water quality impact rather than the possible achievement of enhanced abatement or analytical technology. Use of the latter for tightening of requirements would destroy the incentive of industry to do better than to meet the minimum requirements.

If improvement in abatement process technology is required to meet effluent limits, the time period allowed to accomplish it should be flexible to reflect the complexity of the change required. The specification of a time limit not to exceed 180 days (page 47) is arbitrary and thus unsatisfactory.

5. Biomonitoring

It is accepted that the assessment of water quality impact may require biomonitoring. However, because of the high costs associated with many biomonitoring programs, it is essential that the requirements be very carefully defined. Although industry might reasonably expect to bear the cost of certain biomonitoring studies involving its effluent streams per se, it is not reasonable to suggest that industry should conduct and/or finance the cost of studies on the aquatic environment into which the effluent discharges. This is considered to be especially the case when there is evidence that the aquatic environment already demonstrates much improvement relative to earlier periods. In addition it is important to recognize the wide variability of biomonitoring and toxicity testing and therefore the difficulty of using it as a basis for limits.

6. Confidentiality

It should be the goal of the Ministry to minimize the extent to which they get involved with industrial sector process technology and their access to proprietary information. The development of an awareness of effluent quality does not require an in-depth understanding of the plant processes. A well conceived and executed monitoring program based on a general knowledge of the process should be adequate to identify pollutants subject to regulation. Industry's concern about protection of proprietary process information, despite Ministry assurance of satisfactory confidentiality procedures, needs to be recognized. If it is, a much more acceptable working relationship will be developed.

7. Socio-Economic Impact

On page 23 of the White Paper, it is stated that "socio-economic impact studies will be done for each industrial sector and the municipal sector as the effluent limits regulation for that sector is prepared". This will not be an easy task and the possibility of intersector inequities is a very real concern. It would appear that the fairest approach is to identify the effluent limits requirements on the basis of water quality impact studies in the first instance and then establish a compliance schedule for meeting of those limits for each member of each sector. That approach would provide greater assurance of fairness both within and across sectors in that compliance costs could be reasonably estimated over a predefined time span and the improvement in effluent quality predicted. It should also satisfy the obligation of the Ministry to the public in that there would be an assurance of continuous environmental improvement.

8. Miscellaneous Comments

Page 8 - Ambient Toxicity testing - The few studies attempting to do this for the U.S. had lots of problems including such items as upstream controls dying.

- The U.S. EPA does allow significant public comment periods and recognizes some plants may be "fundamentally different" from plants used to set the effluent limits. Therefore these plants may have different technology-based limits.

Page 13 - Comment period - Need to be able to review all background data, including background documents so it can be understood how the regulations were arrived at. This period has been defined too tightly for this to properly occur.

Page 27 - Concerning use of aquatic organisms as indicators of impact on water quality: EPA has not been able to prove that effluent toxicity corresponds with ambient toxicity. The U.S. industry and EPA disagree on this point.

Page 35 - "proposed rules are available for a number of sectors" - EPA's proposed organic chemical proposed rules are flawed and technically unachievable. EPA received thousands of pages of comments on 1985 proposed rules. MISA would be better to take raw data and use correct statistical techniques to generate meaningful limits.

Page 36 - Item 4 - EPA apparently doesn't have a large data base for the OCPSF sector.

Item 5 - EPA statistics are questionable. (See CMA comments re 1985 proposed rules).

Page 43 - There are no reliable standard mutagenicity tests for effluents.

S.J. Bolt

S.J. Bolt
Manager, Environmental Services
Sarnia Division
20,1/33/lep

GREENPAPER

DOW CHEMICAL CANADA INC.

Vidal Street, P.O. Box 3030, Sarnia, Ontario, N7T 7M1

MINISTRY OF THE ENVIRONMENT
AUG 28 1986
ASSISTANT DEPUTY MINISTER

08M2618

August 22, 1986

ONTARIO MINISTRY OF THE ENVIRONMENT
AUG 22 1986
SARNIA OFFICE

J.N. Bishop
Director of Water Resources Branch
Ministry of the Environment
1 St. Clair Avenue West
4th. Floor
Toronto, Ontario
M4V 1K6

Dear Sir:

In keeping with the invitation to comment on aspects of the Ministry's "MISA" Whitepaper we would like to respond to the "Greenpaper" introduced by the Greenpeace Foundation recently at a news conference in Sarnia.

We are encouraged by the relatively responsible approach that Greenpeace has taken in presenting this paper. Some of the opinions expressed in the greenpaper are similar to ours. However, on some we differ considerably.

We agree that performance criteria should be established in statistical terms for mass loadings and not based on units of concentration.

We believe that "averages determined by economics" are not necessarily appropriate for "ANY" dischargers. In our view, environmental impact is the key measurement and regulated limits should be established on this basis. Our direct comments on the MISA Whitepaper includes more specific concerns with the BAT approach.

We agree that periodic characterization studies should favour inclusion of "even suspected toxics". We do however support the approach of monitoring for a shorter target list of surrogate compounds representative of a larger list on the assumption that compliance with the short list will achieve control over the others, the basis for which should be scientifically supportable. Based on our knowledge of our specific chemical processes we feel that this strategy will provide the most cost effective route to our common goal of continuing improvement.

We support the ministry position that effluent limits be defined in "terms of performance only", leaving the choice of appropriate technology up to the discharger. Providing that other routes of environmental entry are not compromised we believe this approach will provide the most efficient means of abatement as well as keeping the competitive incentive to develop new more efficient technology.

Perhaps the most serious disagreement we have with the proposals in the Greenpaper is with the recommendation for the establishment of an "environmental control commission". We believe that the role envisioned by Greenpeace for this body is best achieved by the Ministry of the Environment itself and that responsibility for these decisions made must rest with the officials elected and accountable to the people of Ontario.

We believe that the advisory group structure currently planned as part of the "MISA" process creates an adequate forum for public input.

Yours truly

S.J. Bolt
Manager
Environmental Services.

:mq

D. BALSILLIE — AUG 2 6 1986
LOG # 86M268

☒ For your information
☐ Reply direct and return a copy
☐ Return with ☐ Background ☐ Comments
☐ Prepare reply for signature by
☐ Minister
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY:

RECEIVED
AUG 29 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

TO: Dick
Attn: D. BALSILLIE
Reply for Minister's sig.
Reply for D.M.'s signature
Reply my signature
Action required
Handle at branch
FOR YOUR INFO.
DATE: 86-8-29
D. BALSILLIE

DOW CHEMICAL CANADA INC.
Vidal Street, P.O. Box 3030, Sarnia, Ontario, N7T 7M1

September 8, 1986

Ministry of the Environment
Water Resources Branch
1 St. Clair Avenue West, 4th Floor
Toronto, Ontario
M4V 1K6

Attention: Mr. J. Bishop

Dear Sir:

As requested in our recent submission of comments on the "MISA" whitepaper we would like to offer additional remarks on the program.

We have chosen to submit our comments in tabular form and have suggested alternatives to the problem areas we have identified.

We thank you for your consideration and would be pleased to elaborate further on any of our comments as you find necessary.

Yours truly,

S.J. Bolt
Manager
Environmental Services

/gpg
attach.

RECEIVED
SEP 09 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

ITEM	REASONS FOR CONCERN	SUGGESTED ALTERNATIVE
1. Timetable for development of effluent limits regulation (9 – 12 months after monitoring regulation)	Insufficient time allotted for: a) collection of sufficient verified data to allow statistical analysis of data b) Public comment periods	Allow 1 – 2 years for collection and verification of statistically valid data. The number of data points required will depend on the nature of the data collected. In no case should it be less than 20. Allow an additional year for development of limits including comment periods.
2. Frequency and nature of characterization scans	Requirement for too many or too detailed characterization scans will create an unnecessary burden from a financial and manpower resources viewpoint.	Define nature of characterization scans based on chemicals used or produced at a site i.e. based on technology used at a site. This can be developed based on information developed during site visits. We suggest an appropriate frequency for characterization scans is 1/year (max). Note that the EPA requirement is 1/5 years.
3. Duplicate Samples	a) Quality of data available from stored duplicate samples b) Cost effectiveness of developing and maintaining large scale sample retention system	Implement an MOE crosscheck program consisting of: a) scheduled duplication of samples to crosscheck between labs b) unscheduled duplication of samples to crosscheck representativeness of samples. In both cases above MOE personnel should personally take the samples to ensure unbiased data.
4. Water quality based criteria vs. BAT based criteria	a) Reliance on EPA BAT data which C.M.A. considers seriously flawed. b) BAT limits lack a technical rationale.	Develop regulations based on environmental quality considerations only. This approach will result in regulations which are technically supportable and also ensure that the focus will be on the real priorities. cont'd ...

ITEM	REASONS FOR CONCERN	SUGGESTED ALTERNATIVE
	c) Continuing to tighten regulated limits based on technology improvements is a counter incentive to improve the technology and also impairs industry's ability to perform long term strategic planning.	We would suggest an approach based on an ambient water quality criteria in conjunction with a mixing zone concept be used to arrive at an effluent limit. This concept would include a mechanism to ensure continual shrinking of the allowable mixing zone to zero. This results eventually in all outfalls meeting Ontario ambient water quality criteria.
	d) Environmental impact should be the fundamental rationale for regulations and should be the priority focus of everyone's efforts including the MOE.	It is recognized that development of water quality based criteria will be difficult and time consuming. We would suggest that as an interim measure temporary criteria could be developed using based on work by other jurisdictions. These could be revised appropriately as Ontario criteria are developed.
5. Data Transfer and Reporting	Difficulty in efficiently and accurately handling large amounts of data in either hard copy or electronic form.	We would suggest that data reporting be done in hard copy in a control chart format. Assuming that the effluent limits are appropriately defined this approach will yield an easy to use method for both industry and the MOE to use in assessing performance and will eliminate the need for the MOE to do extensive data manipulation.

cont'd ...

ITEM	REASONS FOR CONCERN	SUGGESTED ALTERNATIVE
6. Time for compliance with effluent limits	The 180 day time limit stated in the MISA whitepaper is arbitrary and does not take into account the possible complexity of changes required.	Compliance requirements should reflect the complexity of the changes required. We would suggest that compliance requirements required be defined on a case-by-case basis based on technical complexity, cost and degree of exceedance. In some cases several years may be necessary to complete the necessary research, design, construction and start-up processes. We understand the EPA plans a 42 month compliance period for its proposed regulations.
7. Confidentiality	We believe MOE involvement with process technology details is unwarranted and not necessary to administer an effective monitoring program. Provided that a facility is meeting agreed upon effluent requirements there should be no need for the MOE to involve itself in proprietary process details	We would suggest the MOE consider the following delineation concept; 1) Effluents leaving property boundaries be public information 2) Data on internal sewer systems leading to an outfall be available to the MOE on a confidential basis. 3) Process information prior to first discharge point remain with the company only but open for review by MOE at the plant site.
8. Bio-monitoring	Biological field studies are expensive, difficult, and subject to wide differences in interpretation. This is especially true in the St. Clair River where true base line data is difficult to assess because of historical pollutant loading into the river system.	We agree that some biomonitoring data may be necessary to help assess water quality impact of effluents. We believe that industry should bear a share of the cost by conducting appropriate studies on its own effluent stream. However, government should finance and conduct any studies necesssary on receiving waters. We would suggest that biomonitoring tests be used as a screening tool only to help in the assessment. They should not be used as sole

ITEM	REASONS FOR CONCERN	SUGGESTED ALTERNATIVE
		basis for effluent limits because most tests are relatively new with low reproducability and lack of standardized methodology. Industry should be involved in the development of test protocols.
9. Toxicity Testing	"Toxicity testing" including mutagenicity tests are not yet developed or proven as shown by U.S. experience. There are no reliable standard mutagenicity tests for effluents.	Ambient "Toxicity testing" should not be considered because of the wide variability inherent in the testing.

CANADIAN CHEMICAL PRODUCERS' ASSOCIATION

M.I.S.A. - BELANGER

The Canadian Chemical Producers' Association

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Telephone:
(613) 237-6215

September 2, 1986

SEP 1986
D. BALSILLIE
09MO 2
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary
☐ Comments
COMMENTS:

SEPT 2/86
FROM: CORRESPONDENCE CEN R

The Honourable James Bradley
Minister of the Environment
Ontario Ministry of Environment
15th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

I am writing you to assure you of the Canadian Chemical Producers' Association's general support for your program to control the discharges of persistent and toxic pollutants into Ontario's lakes and rivers.

Although the danger to the environment of highly toxic chemicals must not be understated, there is much evidence to suggest that the levels of toxic contaminants in such water bodies as the St. Clair river, have been declining over the past decade. It is likely that our improved analytical capability has enabled us to identify an increased number of chemical species, in very low concentrations, that has raised the public level of concern. The MISA program addresses that concern and should provide a program of action based on knowledge rather than the fear of toxic chemicals.

There are three additional aspects of the MISA program that are critical to our support. These are:

(1) That it is to be applied to all important industry sectors.

(2) That it includes municipal treatment systems.

(3) That it is to be equitably applied across sectorial lines throughout the province.

../2

TO: WRB Bishop
Replies for Minister's signature
Reply for Deputy Minister's signature
Minister's direct reply
Submissions and briefs
Handle at branch level
FOR YOUR INFO.
DATE: 09-04
D. BALSILLIE

RESPONSIBLE CARE: A TOTAL COMMITMENT

Further, in the attached commentary on the MISA White Paper we make the following points:

- Strong support for the industry-government consultative approach to regulation setting.
- Strong support for a multi-partite policy advisory committee.
- That the "Organics, Chemicals, Plastics and Synthetic Fibres (OCPSF) Sector" is not homogeneous because of the diversity of products manufactured by operating plants in this sector. Also, in the manufacture of the same chemical product different process schemes may be selected by different chemical plants. For these reasons each plant in this sector should be treated as unique when applying the regulatory process to it.
- Confidentiality of business and proprietary technical information be safeguarded.
- Pretreatment of industrial effluents discharging to municipal treatment plants should only be considered where such a need is demonstrated. Further pretreatment of such effluents may not be the most desirable economic or environmental approach. Consideration should be given to evaluating the cost-effectiveness of enhanced joint industrial-municipal treatment systems to service a large number of industrial effluents.
- Application of the United States BATEA (Best Available Technology Economically Achievable) proposed effluent guidelines to Ontario is not appropriate to the chemical sector due to a number of serious flaws in the U.S. derived limits. We strongly suggest that Ontario develop its own control limits on an appropriate basis, through consultation at the technical committee level.
- Consideration be given to economic competitiveness with our major trading partners outside the Province of Ontario, when defining the effluent limits.

The attached comments provide greater detail of CCPA's views of the White Paper. We should be pleased to meet with you and your staff to further elaborate on these comments.

Yours truly,

Jean M. Bélanger
President

Attachment
c.c. The Honourable T.M. McMillan

CANADIAN CHEMICAL PRODUCERS' ASSOCIATION

COMMENTS ON ONTARIO MINISTRY OF THE ENVIRONMENT'S MUNICIPAL - INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

AUGUST 22, 1986

Introduction:

The Canadian Chemical Producers' Association (CCPA) is pleased to provide comments on the Ontario Ministry of the Environment's White Paper entitled, "Municipal - Industrial Strategy for Abatement (MISA)". The overall objective contained in the paper, i.e. to reduce the flow of toxic chemicals into Ontario's waterways, is strongly supported by CCPA and indeed is consistent with CCPA's policy of "Responsible Care" (see Attachment - 1).

CCPA continues to be supportive of the development of equitable, attainable and enforceable standards designed for the protection of human health and the environment. Furthermore we feel strongly that such guidelines and regulations established by governments should be:

(a) based on scientifically supportable data and/or expert opinion.

(b) realistic in terms of societal cost/benefit considerations, and

(c) protective of the confidentiality of proprietary information.

The Canadian Chemical Producers' Association represents 70 manufacturers that generate more than 90% of Canada's total output of industrial chemicals and synthetic resins. Approximately 60% of these chemicals are produced in Ontario. CCPA has for the past 14 years been actively working with governments to promote the better management of chemicals in society. Today, adherence to the strong social principles laid out in the CCPA policy of "Responsible Care" is a condition of membership in the Association.

CCPA has been involved in the MISA program since its formative stages in early 1986. We have therefore examined the White Paper in detail and would like to provide the following constructive comments, in the hope that our positive suggestions will assist the Ministry in more effectively achieving the preservation of Ontario's waters.

General Comments

Although CCPA strongly supports the intent behind the MISA strategy we have serious reservations concerning some overly simplified views expressed in the paper surrounding what is a complex and not fully

understood issue. We encourage continued and meaningful dialogue on this subject between all the affected parties and commend the Ministry for instituting technical and advisory committees for dealing with each industrial and municipal sector. For the Committee process to work the dialogue must be meaningful and constructive. Attachment - 2 details previous positions developed by CCPA on Meaningful Consultation which you may find of value.

Although we agree with grouping industries on a sectorial basis, it should be clearly understood that the "Organic Chemicals, Plastic and Synthetic Fibres (OCPSF)" sector is non-homogeneous representing a wide range of manufacturing facilities each producing different chemicals. Also the fact that diverse processes are available to manufacture a given chemical product adds another degree of complexity to the problem of sectorial grouping. We therefore suggest that in the OCPSF sector, each Chemical Plant's monitoring and effluent control regulation will require development on a site specific basis.

The sectorial approach is very useful in organizing the program in a systematic manner. However, the segregation into sectors must not detract from viewing the task in aggregate. The cost/benefit of contaminant reductions must be reasonably equitable from sector to sector with regard to both degree and timing.

The timing of the Ministry's regulatory program (shown on p. 26) is overly optimistic. The first industrial monitoring regulation shown as April 1987 followed by the first effluent regulation in January 1988 (a period of 9 months), does not allow enough time to fully evaluate the analytical data and to define the proposed technology based standards. In addition, it generally takes 2 to 3 years to design and implement control technologies in order to meet new regulations. We therefore strongly suggest that the schedules be redefined by the sectorial technical committees through further active dialogue.

We note with some concern (p. 31) that, "Ontario will be basing its approach on the work of the United States Environmental Protection Agency (EPA), which has carried out extensive technical development of effluent limits based on technology". There is a need for the Ministry to recognize that EPA have been severely criticized by U.S. industry for the fundamental flaws in the data base used to arrive at the proposed U.S. effluent limits. The Chemical Manufacturers' Association in their critique of the U.S. "Best Available Technology Economically Achievable (BATEA)" limits stated, "EPA's 1985 proposed BAT (Economically Achievable) limitations are inappropriate and technically unsound for many reasons:

- Even for the exemplary plants that are used to set the limits, EPA's proposed BAT limits are not achievable with the technology specified by EPA.

- Far too many pollutants are proposed for specific regulation considering many pollutants have not been detected or have been detected only at de minimis levels in OCPSF discharges.

- EPA's proposed BAT Options II and III are completely cost-ineffective. For example, in certain portions of the industry (EPA's proposed Other Man-Made Fibers subcategory), pollutants removal costs would be in excess of $200 million per pound.

- EPA has failed to specify technology or determine compliance costs for OCPSF plants to achieve the limits consistently, despite the fact that plants must comply with permit limits 100% of the time or face substantial penalties.

- EPA's methodology for calculating effluent locations is technically unsound.

- The proposed BAT (Economically Achievable) limits are based upon an extremely limited data base, ignoring significant amounts of data provided by CMA member companies. As a result, some limits that will apply to all 726 direct and indirect discharging OCPSF plants have been derived from data from only one plant. The scanty data base cannot possibly be representative of such a large, diverse and complex industry. EPA does not account for the data base limitations and its inherent uncertainty, including uncertainty caused by analytical variability.

- EPA has arbitrarily and inappropriately edited the data. Some data were excluded simply because the effluent values were "high".

- EPA inappropriately emphasizes short-term data and that data significantly overstates treatment performance capabilities.

The deficiencies in EPA's BAT methodology make it necessary for EPA to reconsider and modify its approach for establishing the BAT limits for the OCPSF point source category". (1)

In view of the above it is recommended that the current proposed U.S. BATEA limits not be used as a model for the Ontario chemical industry and that the Ontario effluent standards be arrived at through consultation with industry.

Specific Comments

(1) Toxics Issue (p. 1)

Throughout the document the use of the term "toxic contaminants", "toxic substance", "toxic pollutants" are loosely defined. It is these substances that the MISA Strategy hopes to control. Some agreed upon definition of these terms is required. We would suggest that a toxic contaminant is one which even at low concentration or through biomagnification can cause death, disease, behavioral

abnormalities, cancer, genetic mutations, physiological malfunctions or physical deformations in organisms or their offsprings. (2)

A priority listing of persistent toxic chemicals should be developed on the basis of the above criteria, and the list should be made public along with sufficient information justifying their position on the list.

(2) New Initiatives (p. 2 to 5)

It is stated "that after the regulations are in place there will be scheduled periodic reviews to upgrade them as knowledge and technology improve". This should not imply that treatment facilities installed in a given year should be replaced as soon as new technology is available regardless of the economic consequences. An automatically escalated target could be the financial ruin of some companies and does not allow for longer term planning.

(3) MISA Approach

(A) Monitoring Regulations (p. 21)

(i) Effluent Characterization

CCPA supports the need of valid statistical data that will form the basis for establishing effluent control regulations. Such data gathering requires careful thought and planning. A broad spectrum analytical scan of all companies in all industrial sectors is wasteful and imposes unnecessary costs on the industry. It is suggested that the scan be made more representative of the pollutants having a reasonable chance of being present in a plant's effluent discharge. A scanning list could be based on a review of raw materials, additives, plant's process chemistry and technology. Such an approach may identify pollutants that would not appear on any general predetermined list of contaminants. It may also exclude for example, the pesticide group, which would not be expected to be present from a non-pesticide manufacturing facility.

(ii) Quality Assurance (p. 21)

Recognition should be given to the importance of a quality assurance program for the effluent sampling, effluent analyses and effluent flow measurement routines.

The validity of pollutant loading data will depend upon the validity of each of these measurements and must reflect the variability associated with them. The protocols established for these determinations must involve a statistical treatment of the data and the results obtained must be evaluated in light of the control limits defined. Audit sampling by the Ministry should be only for the purpose of confirming that the results reported are valid within those limits. The Ministry should confirm the variability of the data in terms of compliance and sufficient samples will have to be analyzed to demonstrate the variability of the analytical techniques.

(iii) Biomonitoring (p. 23 and P. 37)

The assessment of receiving water quality may require biomonitoring. Although industry may be expected to bear the cost of certain biomonitoring studies involving its own effluent streams, larger studies involving eco-system impacts on the receiving stream should be a government responsibility. The Ministry with its in-house expertise is more suited to conduct such studies. Further, data from all industry sectors discharging to a given body of water may have to be reviewed in order to assess the overall impact. Only the Ministry would have ready access to such information.

(B) Effluent Limits Regulations

(i) BATEA And Water Quality Impact (p. 8)

The approach of applying "Best Available Technology Economically Achievable (BATEA)" to effluent discharges, may indeed not resolve the receiving water quality issue due to the possibility of contamination from other sources. For example, it has been stated that some 800 different chemical compounds have been found in the Great Lakes (p. 1). According to the International Joint Commission's reports many of these chemicals enter the waterways via long-range atmospheric transport and that this may account for as much as 20% of the pollutant loadings. Thus air emissions from locations outside of Ontario may be a significant source of toxic chemical loadings.

Reduction of contaminant loadings beyond BATEA, to meet receiving water impact requirements, would likely result in closure of some plants due to the severe economic penalties imposed or to lack of suitable technology to meet such standards.

In the application of BATEA effluent limitations to process effluents, options for use of equivalent technologies should be available and may be necessary when applied to site specific cases. Further the limitations should be based on contaminant loadings indexed to production calculated on a "net" load basis, i.e. allowance should be made for subtracting the contaminants entering the plant through intake water.

As mentioned earlier, if it is the Ministry's intent to continually tighten the effluent limits, it would be impossible for a highly competitive business, such as chemicals, to plan its long-range investment and business strategy.

In developing the Effluent limitations, care should be exercised so as not to endanger Ontario's competitive position beyong Ontario's borders.

We strongly believe that the apparent conflict between industrial activity and environmental quality can be reconciled to achieve the advantage of both.

(ii) Pretreatment Standards (p. 23)

The requirement of pretreatment of industrial effluents discharging to municipal sewers may not be the most cost-effective approach possible. Consideration should be given to assessing the cost implications of upgrading municipal treatment plants to deal with effluents from a large number of industrial companies. These costs could be compared to the aggregate cost of each discharger providing his own treatment facilities in order to arrive at the most favourable option.

(C) Abatement and Enforcement (p. 16)

The White Paper mentions that specified effluent limits will be defined in statistical terms. CCPA is strongly supportive of such a scientific approach. We feel it is imperative that effluent limits be defined so as to reflect the inherent variability in the data as determined by the monitoring program.

Compliance with the effluent limits regulation should be monitored by use of control charts which identify the upper and lower control limits. Such charts permit easy identification of trends and could be employed conveniently by both industry and the Ministry to assess plant performance.

(4) Confidential Information (p. 4)

It should be the goal of the Ministry to minimize the extent of their involvement in industrial sector process technology and other areas involving legitimate confidential business information. Only data required to carry out the assessment of emissions from a plant should be accessed. Industry has strong views concerning proprietary data, which, if falling into competitive hands could cause severe business losses. In order to protect itself, industry insists that governments provide adequate safeguards for protecting such information and that any sharing of such information held in trust, with other agencies, must be done with the approval of the owner of such information, i.e. the company.

(5) Socio-Economic Impact Studies (p. 23 & p. 37)

CCPA strongly endorses carrying out socio-economic impact studies for each industrial and municipal sector, as part of the regulatory development program. CCPA is prepared to participate at the technical committee level, to assist the Ministry in carrying out such an analysis for the chemical industry sector.

(6) Summary

In summary we would like to highlight the following points:

- Our strong support for the overall objective of the MISA program.
- We endorse the open consultative approach adopted by the Ministry on this important and complex issue.
- Although sectorial groupings of industrial classes is administratively convenient, the diverse nature of the chemical sector will require regulatory development on a site specific basis.
- Ontario should develop a persistent toxic chemical priority list with the supporting scientific rationale, and make this information public. Such a list would provide industry with a basis for considering BATEA effluent limits.

- The reliance on U.S. EPA proposed "Best Available Technology Economically Achievable" effluent guidelines, as a model for the Ontario chemicals sector, is not recommended. Ontario should recognize that the U.S. EPA proposed guidelines are technically controversial, have not been finalized and are still subject to on-going litigation. It is strongly suggested, therefore that Ontario develop process effluent limitations based on the Canadian situation.

In closing CCPA would like to thank the Ministry for providing the opportunity for commenting on its long-range program for improving the quality of waters in this province. It is an ambitious program that will require the cooperative effort of all sectors of our society. We commend the Ministry for involving affected parties including the public through the Technical and Advisory Committee structure and would encourage it to continue working towards its objective through meaningful dialogue.

LIST OF REFERENCES

1. "Comments of the Chemical Manufacturers' Association on EPA's July and October 1985 Notice of Availability and Request for Comments on the Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Category" Vol. II, (Dec. 1985) pp. V1 and V2

2. "Environmental Glossary" - 3rd Edition, G.W. Frick, Government Institutes Inc., Rockville, MD (1984)

ATTACHMENT - 1

CCPA GUIDING PRINCIPLES

Canadian chemical producers are committed to develop and implement plans, programs and communications within industry and in conjunction with governments, regulatory agencies, other resource groups and affected parties to promote the principle or "Responsible Care".

Guiding Principles

The following list of guiding principles is subscribed to by member companies of the Canadian Chemical Producers' Association:

- ensure that its operations do not present an unacceptable level of risk to its employees, customers, the public or the environment.
- provide relevant information on the hazards of chemicals to its customers, urging them to use and dispose of products in a safe manner; and make such information available to the public on request.
- make responsible care an early and integral part of the planning process leading to new products, processes or plants.
- increase the emphasis on the understanding of existing products and their uses and ensure that a high level of understanding of new products and their potential hazards is achieved prior to and throughout commercial development.
- comply with all legal requirements which affect its operations and products.
- be responsive and sensitive to legitimate community concerns.
- work actively with and assist governments and selected organizations to foster and encourage equitable and attainable standards.

ATTACHMENT - 2

THE CANADIAN CHEMICAL PRODUCERS' ASSOCITION

VIEWS ON MEANINGFUL CONSULTATION

Put succinctly, meaningful consultation for CCPA member companies implies an ongoing dialogue between parties to the consultation, anchored upon a belief that these parties have an important contribution to make to solving the problem at hand, as well as a belief that they all are interested in the good of Canada.

In our view, consultation will only be meaningful if it ensures that:

(a) when final decisions are made by Ministers of the Government, either singly or in cabinet, these same ministers will have been objectively made aware of the problems, the available options and the consequences of their decisions; and

(b) their decision does attempt to optimize the net benefits to Canada, taking account of the multi-goal society we live in.

In summary, therefore, meaningful consultation, for the chemical industry, means perceiving that its views are fully taken into account and weighed objectively in making the final decision.

Ongoing dialogue can be bolstered by a number of mechanisms and we would like to offer some of these for consideration. Before doing so, however, we must point out that unless discussions are properly underpinned by certain prerequisites which are related to the approach and attitude of the participants, they will remain superficial and unsatisfactory.

The main prerequisites we speak of are as follows:

1. There must be mutual respect and trust between the participants.

2. The discussions should be frank and open and be a true dialogue.

3. The discussions should be ongoing, thereby reflecting a recognition of the mutuality of interests.

4. All parties should have access to all information required to make appropriate recommendations.

The implications of these prerequisites are that:

a) discussions will take place while options are very much open for consideration, both in problem identification and problem solving.

b) all parties will be frank enough to challenge each other, giving their reasons if there is not agreement, and open enough to objectively weigh challenges from other parties;

c) all parties must be willing to reach compromise solutions that will best meet the overall interests of Canada;

d) if it is recognized that the chemical industry has an important contribution to make to solving problems at hand, ways and means will be found to ensure that their advice will be sought in a timely manner, particularly where Canada's interests must be weighed in terms of international initiatives;

e) mutual respect implies that the various parties, upon being consulted, will be allowed adequate time to prepare their inputs.

There are no absolute answers to the above, however, the bottom line must be for the chemical industry, that it senses that it has been heard in the decision-making process.

In light of the above, and to make the principles outlined more concrete and visible, we would propose the following mechanisms:

1. Concrete consultative steps should be taken at the following stages of the decision-making process:

   a) <u>Problem Identification Stage</u>

      This is the conceptual stage when the parameters of the problem are defined and broad policy objectives are developed.

      This consultation needs to be made at senior policy levels and as soon as a problem emerges. In addition, in order to ensure that problems do not slip by without adequate attention, we recommend that broad periodic joint meetings, at the policy level, be held to ensure adequate notification of developing priorities.

b) Options Identification Stage

Having defined the problem and policy objectives, consultation should be held on the variety of options that could lead to solving the problem. We would encourage the preparation of "white papers" at this stage which would clearly outline the options and their advantages and disadvantages. Preferred options should not be stated in order to prevent the government being locked-in too early. The views of interested parties, including development of options, should be formally solicited at this stage.

c) Policy Formulation Stage

Based on comments received on the white paper, the government would proceed in developing the final policy. We would expect that aspects of this policy would be discussed interdepartmentally in recognition of Canada's multi-goal society. The paper should include the preferred option and its supporting rationale as well as the reasons why other options were rejected.

Before releasing the final policy publicly, we would urge that an opportunity to comment on the final draft be given to key interest groups.

d) Rule-making Stage

Government, having chosen a course of action, would proceed with the implementation of its policy. In order to optimize the impact and to ensure the intent of the policy is carried forward, we recommend that consultation take place on the draft legislation and regulations, prior to official gazetting. This stage could be done in confidence, by swearing-in certain individuals as advisors, if this is deemed necessary.

ESSO PETROLEUM

ESSO PETROLEUM CANADA
A Division of Imperial Oil Limited
[illegible] ST. CLAIR AVENUE WEST
TORONTO, CANADA M4W 2J8

G. [illegible] H. THOMSON
P[illegible]

August 28, 1986.

09M0313

Honourable James Bradley
Ontario Ministry of the
Environment
135 St. Clair Avenue West
Toronto, Ontario.
M4V 1P5

Honourable Tom MacMillan
Department of the Environment
Terrasses de la Chaudiere,
Fontaine Building
Hull, Quebec.

Gentlemen:

We have reviewed the Report on the 1984 Industrial Discharges into the Great Lakes Basin (June 20, 1986), which you recently released. In your press release, you commented on the petroleum industry and drew attention to the increase in total loads of solids and oil and grease. While the statements are technically correct, we believe they could possibly be misleading in absolute terms if not taken in the context of overall discharges by all sources to the waterways in Ontario.

The petroleum industry has a long record of accomplishment in monitoring, developing abatement technology, and treating its waste water discharges. The industry across Canada installed secondary treatment facilities in the late 1970's in voluntary compliance with the Federal Refinery Effluent Regulations and Guidelines with the result that, at the present time, we believe that all Ontario refineries routinely pass the very sensitive acute fish toxicity test. While this essentially took care of the "conventional contaminants", our industry became concerned five years ago about the possible presence of minute amounts of toxic chemicals in the plant effluents. Through our industry environmental association (PACE), we launched a very thorough research programme to determine where we stood. That programme, (much of which, incidentally, was jointly funded and managed by Environment Canada), has recently been completed and we have shared the data fully with your officials. These data support the conclusion that our existing waste water treating plants either remove, or reduce to extremely low levels, any toxic chemicals that may be present in the untreated waste waters.

2/ . . .

Esso is the official petroleum supplier to EXPO 86.
The 1986 World Exposition, Vancouver, British Columbia, Canada, May 2 - October 13, 1986.

To illustrate the petroleum industry's position, we have prepared the attached visual presentation of the data taken and compiled from your June 20, 1986 report and hope that you will find it of interest in positioning the petroleum refining sector within the framework of the overall industrial and municipal discharges in Ontario.

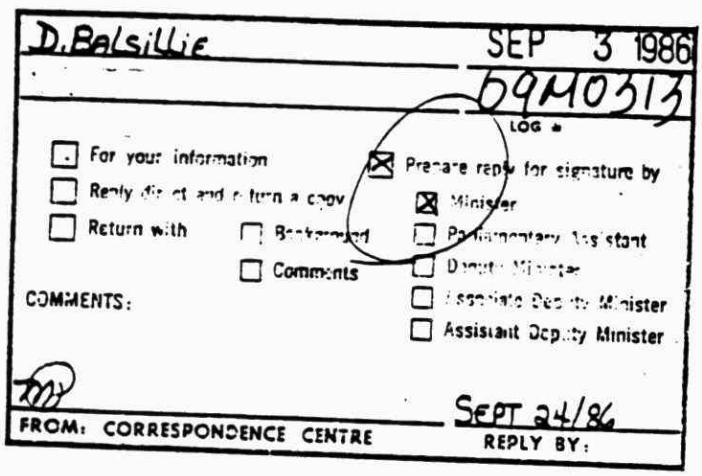
Through our industry associations, O.P.A. and PACE, we are actively working with officials of both of your departments as a component of the MISA programme. We are pleased with the progress being made in this activity and can assure you of our full support for effective, fair and equitable regulations for industry in Ontario.

Yours very truly,

G.H. Thomson

GHT/mm
Attachment

cc:
R.M. McLeod, Deputy Minister, Ministry of Environment, Toronto
G. Sainte-Marie, Deputy Minister, Environment Canada, Ottawa


D. Balsillie SEP 3 1986
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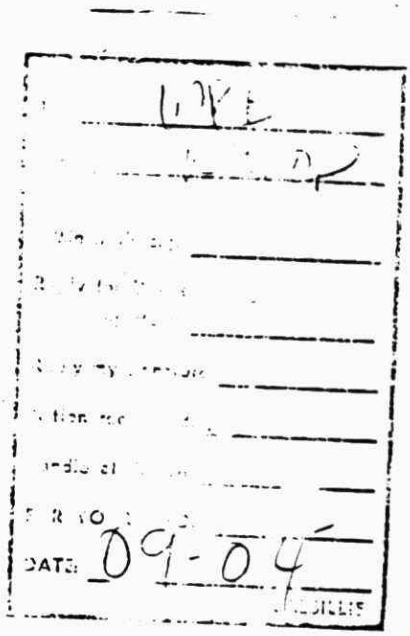
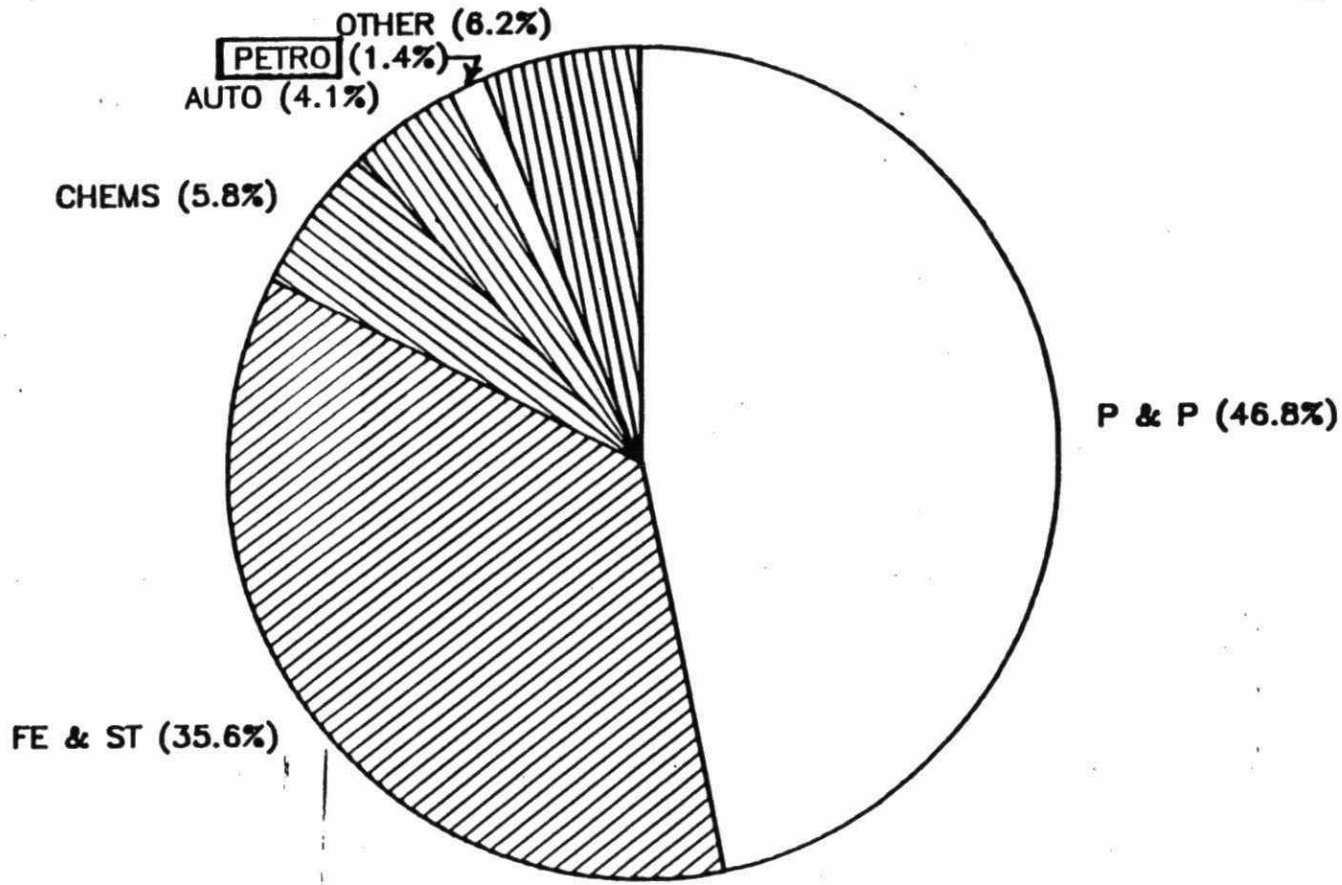
LOG #
☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
FROM: CORRESPONDENCE CENTRE REPLY BY: SEPT 24/86

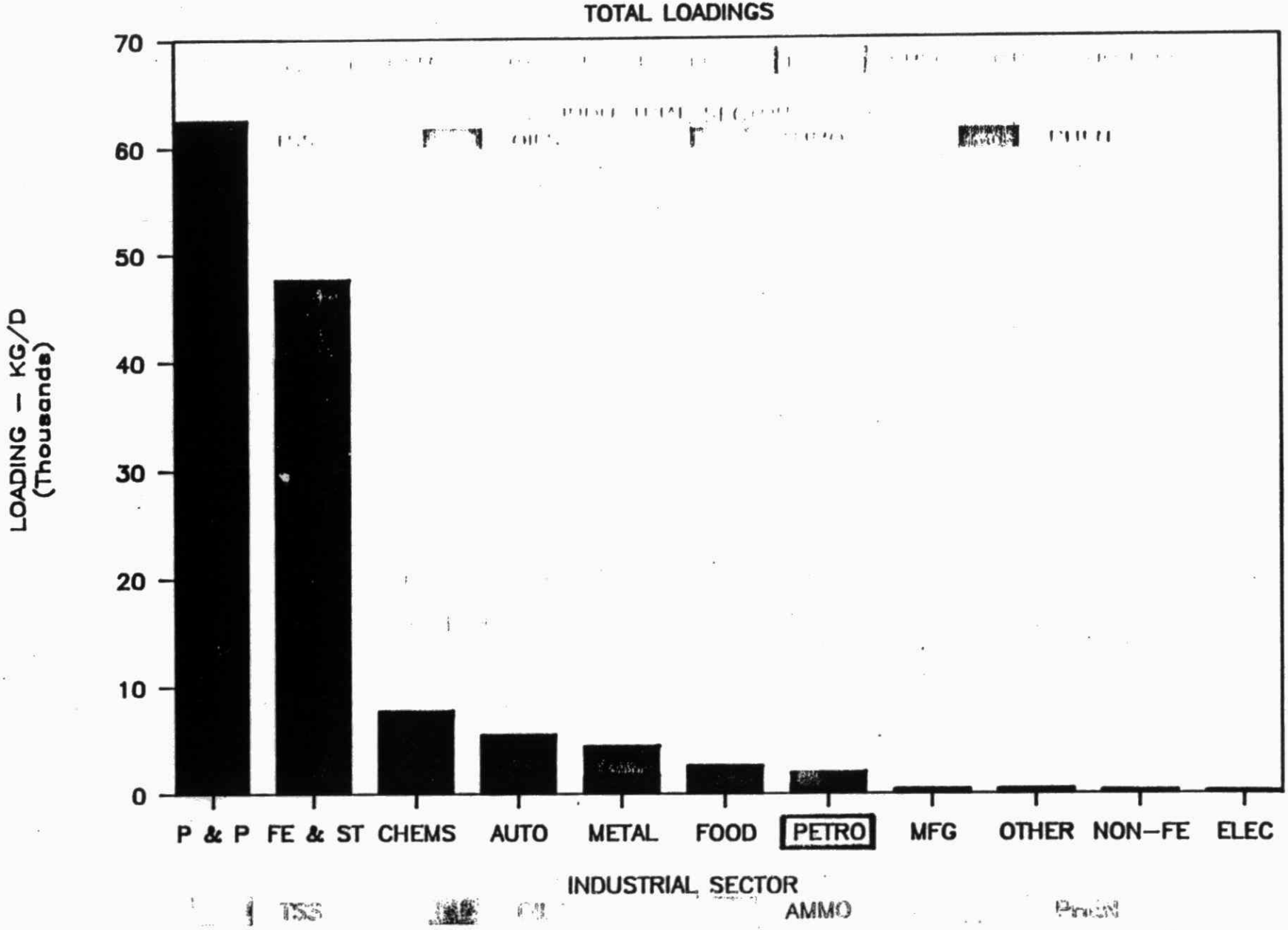

DATE: 09-04

REPORT ON THE 1984 INDUSTRIAL DISCHARGES INTO THE GREAT LAKES BASIN - ONTARIO

TOTAL LOADINGS



REPORT ON THE 1984 INDUSTRIAL DISCHARGES INTO THE GREAT LAKES BASIN - ONTARIO



FRASER INC.

DR

Fraser Inc.

W. DAVID KERR
VICE PRESIDENT, TECHNOLOGY

EDMUNDSTON, N.B. E3V 1B9
AREA CODE 506 735-5551

August 26, 1986

RECEIVED
ENVIRONMENT
SEP 5 1986
09D0501
DEPUTY
MINISTER'S OFFICE

Mr. R. M. McLeod
Deputy Minister,
Ministry of the Environment
134 St. Clair Ave. West,
Toronto, Ontario M4V 1P5

Dear Mr. McLeod:

Yesterday morning I had a long discussion on the MISA programme with Mr. Walter P. Suboch of your Ministry. Mr. Suboch explained how you have begun this programme with the Ontario petroleum industry, and how it will be extended to other sectors including the pulp and paper industry.

I understand that the Ontario Forest Industries Association (OFIA) has been representing Ontario pulpmills and papermills in dealings with your Ministry. My company is concerned with this arrangement, since we own and operate a non-integrated papermill in Thorold, and do not belong to OFIA. There are also several other mills in southern Ontario which are not members of OFIA.

We respectfully request that your Ministry ensure Fraser is kept informed of all requests and requirements that arise as the MISA programme is developed over the next few years. We are quite prepared to supply representatives from Thorold or our Corporate offices to meet with your staff on this matter at any time.

Thank you for your cooperation.

Yours very truly,

WDK/ca

SEP 1986
ASSISTANT DEPUTY MINISTER

LAMBTON INDUSTRIAL SOCIETY

M.I.S.A. - GRIMSHAW

INDUSTRIAL SOCIETY
An Environmental Co-operative

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R.(Ron) G. Denning,
General Manager

TO: WCB
Attn: Pinsent
Reply for Minister's sig.
Reply for D.M.'s sig.
Reply my signature
Action requested
Handle at Branch
FOR YOUR INFO.
DATE: 09-10
D. DALSILLE

D. Balsillie SEP 9 1986
09M0912
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- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with ☐ Background ☐ Comments
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY:

September 5, 1986

Hon James Bradley
Ontario Minister of Environment
15th Floor, 135 St. Clair Avenue West
Toronto, Ontario
M5V 1P5

Dear Mr. Bradley:

We appreciate the opportunity to comment on the M.I.S.A. white paper introduced into the House in June. As you are aware Mr. Minister, our Society has been fostering improvements in the environment in Lambton County for several decades and we sincerely believe that a co-operative approach can achieve results we all desire.

Mr. Minister, the Society sees M.I.S.A. as a unique opportunity to build on the improvements that have been made to date. We understand that many of our individual members have responded to the Ministry and it is not our intent to address their company specific concerns; rather, our comments result from an examination of some of the principles and goals involved.

The Society is very supportive of the stated overall goal of the program, namely "The virtual elimination of toxic contaminants in the municipal and industrial discharges into the waterways."

In the final analysis, whether M.I.S.A. is successful or not will depend on how well it answers to questions like those commonly used to assess the validity of transactions between individuals or groups in our society. We have applied four basic questions and trust that our comments will be given due consideration.

Question 1) --- Is the program based on fact?

We have attended several conferences at which you and your senior staff have spoken and we have examined the statements issued through your communications branch and detect a rapid acceptance of the U.S. E.P.A. methods and approaches to environmental concerns. In the context of this legislation there appears to be a belief in government that our neighbours have been significantly and more uniformly successful than Ontario in dealing with environmental problems. We certainly question whether such a position is factual.

Mr. Minister, at the Annual Waste Conference in June you spoke glowingly of the competence of your technical support staff; we urge that time for review, particularly of the more technical facets of the program, reflect reliance on that resource and less on other jurisdictions. Whereas "Re-inventing the wheel" would result in unnecessary delay, we are concerned that serious technical flaws in the program will result from the arbitrary acceptance of methods and means designed for use in non-Canadian political and legal systems.

Question 2) --- Is it fair to all concerned?

The Society has already raised concerns about fairness in intent, content and application and we urge the Minister to maintain extreme vigilance in these areas, because, as with all initiatives, there is the inevitable tendency to lose sight of the goal. We see the goal of M.I.S.A. as Environmental Abatement and would hope it does not become the basis for punitive legal actions based on unattainable targets, timeframes, or an emphasis on technicalities.

Question 3) --- Does the program promote goodwill amongst our citizens?

This may seem a strange question to ask in relation to environmental legislation but we feel it is highly relevant if the process is to achieve long-term success. In our opinion there has been too little credit given to those who have actually made the environmental improvements that have brought us this far. We believe that their support and goodwill is an important ingredient in future progress and we encourage the continuance of the consultative process and the concept of a balanced advisory committee.

We support the application of the power of the law where it is necessary to address extreme situations involving environmental damage or real potential for damage. Punitive measures for minor situaions are not, in our opinion, in the best interest of sustained improvement. This certainly will be popular in some quarters but will destroy the goodwill in the places that can in reality achieve the improvements we all want.

Question 4) --- Is the program beneficial to all concerned?

Ultimately we feel strongly that all segments of our society can benefit from a well-designed program that achieves environmental improvements without ignoring the integral areas of social and economic impact. Achieving such a balance requires patience and a genuine desire to consult with open minds. Failure to do so can only bring about long-term deterioration in the environment and quality of life for our this and future generations.

We recognise that this submission is different in its approach but we trust that you will accept that we are genuinely concerned about the future of our community and province and indeed the Great Lakes Region and these comments are offered in a spirit of assisting the successful conclusion of this program.

Thank you for the opportunity to comment, please do not hesitate to contact us if you have any questions regarding the above.

Yours Truly,

R. A. Grimshaw,
L.I.S. President

cc: Dr. D. Balsillie MOE
Mr. D. McTavish/J. Janse MOE
LIS DIRECTORS

ONTARIO HYDRO

MISA: FRANKLIN

Ontario Hydro
700 University Avenue
Toronto, Ontario
M5G 1X6

Robert C. Franklin, President

TO: WRE
Att.: Richard

DATE: 00-10

09M0903

September 5, 1986

The Hon. James J. Bradley
Minister of the Environment
15th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Jim:

We have reviewed the White Paper outlining the Municipal-Industrial Strategy for Abatement (MISA) program and offer the following preliminary comments, as requested by your Ministry on July 8, 1986.

Ontario Hydro supports your efforts to effectively deal with the problem of contamination of the province's waterways. To this end, our staff will work closely with your Ministry during the early developmental stages of this program. Your Ministry can also expect our continued full support and cooperation as the program develops and is implemented.

A critical aspect of this program concerns the technical and laboratory analysis work to be carried out during the pre-regulatory phase. The MISA document suggests that this laboratory work should be conducted at facilities independent from, and not associated with, any particular industrial sector targetted by the program, including the electric power industry.

We appreciate that many industries which will be affected by MISA do not have in-house laboratories. In such cases, the Ministry's determining where laboratory analysis must be undertaken is an excellent safeguard for assuring that lab results have a high degree of credibility. However, in the case of Ontario Hydro, our laboratories are state-of-the-art, and our operating departments have specialty technical support staff who are very familiar with

waste effluent monitoring, testing and controls. As a result, we would be capable of performing any required laboratory work under strict MISA guidelines.

Given the general scarcity of such laboratory facilities in the Province, and the likelihood that high demands will be placed on existing laboratories during the pre-regulatory phase, Ontario Hydro may be able to play a further role in making available its facilities to the private sector on a contract basis.

On a more specific note related to the program, we would suggest the proposed 180-day response time for abatement requests be negotiable, in order to account for unforeseen technical or engineering problems.

Finally, as the operation of nuclear generating stations, including the management of radioactive effluents released to the environment, is governed by Federal regulations under the Atomic Energy Control Board, we are assuming that the MISA Program is intended to assess the abatement requirements for non-radioactive emissions only.

We would appreciate your Ministry keeping Ontario Hydro advised of further developments to the MISA Program. Our corporate contact on future developments with MISA will be Mr. D.K.A. Gillies, Manager of Environmental Protection, Production Branch at (416) 592-4614.

Sincerely,

Bob Franklin

Robert C. Franklin
President

cc: Hon. Vincent G. Kerrio

L. Babiuk SEP 9 1986
09M0903
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☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: Sept 30/86

ONTARIO MINING ASSOCIATION

M.I.S.A. - REID

Ontario Mining Association

September 10, 1986

The Honourable Jim Bradley
Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario M4V 1P5

Dear Minister:

We are pleased to provide the Ontario Mining Association's response to the White Paper on the Municipal/Industrial strategy for Abatement (MISA) released June 24, 1986. We share in the public's and your Ministry's concern over the protection of the waters in Ontario from toxic and persistent pollutants. In response to these concerns, MISA outlines an ambitious program designed to make fundamental changes in the way the environment is managed. This letter summarizes our major comments which are described in more detail in the attached submission.

- We welcome your use of the technical/advisory committee structure. It is our hope that the terms of reference of the committees provides the basis for genuine consultation and consensus on all aspects of MISA.

- MISA proposes a heavy reliance on USEPA, BAT derived limits, yet industry there has severely criticized the methodologies used by the EPA in arriving at their regulations. Our industry operates under a totally different set of conditions from our U.S. neighbors. We have a mature mining industry in Ontario and we should rely on our own resources and expertise to develop a made-in-Canada program.

- Each industrial plant has a uniqueness that will make the best environmental solutions specific to that operation. Due to this diversity of conditions within an industrial sector and certainly between sectors, we hope that a sense of flexibility and practicality is maintained throughout the process and can be reflected in the future regulations.

111 Richmond Street West
Suite 1114, Toronto, Ontario M5H 2G4
416/364-9301

- The advance of analytical science now allows us to measure parameters in the parts per trillion and parts per quadrillion range. Yet we do not know what impact these low level concentrations will have, if any. The fear of the unknown that results must be dealt with systematically. We strongly recommend that your ministry develop a priority listing of chemicals that must be dealt with. Each chemical or element on the list would be accompanied by the scientific rationale for being a priority concern. A specific program or control policy for each chemical should then be developed, again backed up with technical and scientific rationale.

- A similar mechanism should apply to the policy of continually reducing allowable discharge limits. Prior to embarking on a program to reduce (BATEA) limits of any particular contaminant there must be a demonstrated need for greater controls. Applying new technology retroactively can seriously undermine the economics of existing operations, especially in the case of mines that have a limited operating life-span. The revision of existing permits should be considered only in the most serious circumstances for example, in the case of unforeseen, major environmental impacts.

- Although the need for public access to data related to the final effluent and the resulting environmental impact is recognized, proprietary information on the process or implant conditions must be safeguarded.

The mining industry faces a difficult climate in world markets as a result of depressed prices for our products and increasingly fierce competitiveness from low cost producers in third world countries. We must move forward on MISA in a way that does not erode our future ability to compete in these markets.

We look forward to your response and appreciate the opportunity for input.

Yours very truly,

Patrick Reid
Executive Director

PR/pw
attch. D. Babillis

SEP 15 1986
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- [ ] For your information
- [x] Prepare reply for signature by
- [x] Minister
- [ ] Parliamentary Assistant
- [ ] Deputy Minister
- [ ] Associate Deputy Minister
- [ ] Assistant Deputy Minister
- [ ] Reply direct and return a copy
- [ ] Return with
- [ ] Background
- [ ] Comments

COMMENTS:

FROM: CORRESPONDENCE CENTRE

OCT 6/86
REPLY BY:

ONTARIO MINING ASSOCIATION

SUBMISSION

ON

MUNICIPAL - INDUSTRIAL STRATEGY

FOR ABATEMENT

(MISA)

August 1986

111 Richmond Street West
Suite 1114, Toronto, Ontario M5H 2G4
416/364-9301

Introduction

The Ontario Mining Association represents 36 mining companies in the province of Ontario employing some 30,000 people. According to a recent submission by the Ministry of Northern Development and Mines to the select committee on economic affairs; employment in sectors related to the mining industry totalled 219,000 in 1984. Our member companies produce metals and minerals with a value of over $4 billion annually. A list of our member companies is appended to this submission.

The Ontario Mining Association is pleased to provide comments on the Ontario Ministry of Environment's White Paper on the Municipal/Industrial Abatement Strategy (MISA).

General Comments

The Ontario Mining Association supports the intent described in the White Paper and looks forward to playing a role in achieving its aims.

The heavy reliance on technical and advisory committees to develop the regulations is strongly supported, however, several factors lead us to be somewhat cautious in our endorsement and we make the following suggestions.

- It is our hope that the terms of reference of the committees provides the basis for genuine consultation and consensus on all aspects of MISA.

- The schedule must be flexible to ensure that adequate time for proper data collection, sufficient data review, and effective consultation is provided.

- There is a great store of experience and expertise in Ontario and in Canada. We must use this knowledge through the technical committees to develop a made-in-Canada package rather than import the US version that has been severely critized.

There are certain elements that must be built in to the regulations that we believe will make them workable for government and industry.

- In applying BAT or water quality based standards to an operation, economics and social impacts must also be considered.

- The unique nature of every operating facility within an industry sector requires the use of common sense, professional judgement and operating know-how in arriving at solutions to environmental problems. The regulations must allow the flexibility for site-specific decisions.

We believe the irrational fear that develops out of the analytical evidence of previously unknown chemicals in ambient waters must be dealt with in a systematic way. There is a need to develop a prioritized list of chemicals or elements accompanied by a scientific evidence and rationale for the position and presence of a particular element on that list. A specific control policy for each should then be developed. Active participation from affected industries is needed throughout the process.

Specific Comments

1. Periodic review of control documents; limits will be reduced to reflect changing Best Available Technology (BAT) levels.

   We are strongly opposed to this concept of continuous review of permits and reduction in effluent limits. Applying new technology retroactively can seriously undermine the economics of an operation, especially in the case of mines that have a limited operating life.

   When a company first looks at a possible development, detailed engineering and economic feasibility studies are done. This is the time when detailed environmental studies must be carried out and the effluent limits defined for the

life of the operation. The capital and operating costs associated with environmental controls are then part of the overall assessment of the feasibility of a project. By imposing an ever changing set of environmental requirements, the actual environmental costs at the feasibility stage can never be known. The government, by this policy, is asking industry to accept an unreasonable level of risk. Industry must have a clear definition of required environmental controls when decisions on the economics of a proposed development are being made. In the mining industry, where any particular site has a limited operating life, this is especially important.

We do agree that in certain circumstances, changes in operating practice would be desirable and necessary; for example, in the event of unforeseen and significant environment impacts.

These changes however, should not be required on an automatic and arbitrary basis but must be justified by real, scientific evidence that there is indeed a significant environmental problem that needs to be addressed.

2. Applying BAT limits

In the use of technology based BAT effluent limits we wish to stress the following points:

- Decisions on how to reach BAT limits must be left to industry and the use of equivalent technologies must be possible.

- Any change in the prevalent BAT limits must be supported by a scientific, demonstrated evidence of the environmental need for lowering the limits of a particular contaminant.

- When determining a particular site's requirement the existing water quality levels at the intake must be considered.

- Each site must be evaluated individually to determine effluent requirements. Economic impacts, local site conditions, climate, topography, background levels and magnitude of impacts must be considered.

3. Requirement for operators to develop water quality limits.

We support the need for the development and use of water quality limits in special circumstances. However, we do not support a policy that calls for the blanket application of this approach. We believe this methodology should be used, for example, in the case of multiple users, downstream use as a drinking water supply, special or unique habitat, or unforeseen environmental impacts. There will be great costs associated with the development of the water quality based standard and the engineering and capital to improve treatment technology to meet those standards. In some cases this approach will mean a choice between industrial activity and aquatic values.

We have great concerns over how such a policy, especially in existing industrial areas, will be implemented. While we accept industry's responsibility to conduct studies of aquatic impacts related to their individual effluents, we believe it is the government that must conduct the studies to determine water quality limits. Industry simply does not have access to all of the expertise or the information on other dischargers that could be required to reach such decisions. The development of water quality limits must include a mechanism for scientific review and consultation with the affected parties prior to setting the limit.

4. The use of loading as a compliance tool.

Loading calculations can provide a useful benchmark from which trends can be determined. As a compliance tool however, the mining industry has special problems that perhaps are not shared by other sectors.

At the heart of the matter lies the fact that mining effluent systems are not a function of production but rather of the hydrology, geology and geography of the particular site. As a result, there is no relationship between prime production and loading rates. The MISA document makes clear that development of Ontario effluent criteria will place heavy reliance on U.S. EPA information but notes that Canadian experience will be considered where available. We have in Canada and Ontario a large, mature mining industry and as Canadians should make full use of our own resources, experience and expertise to develop a made-in-Canada water management program consistent with the stated objectives of MISA.

5. Best Management Practices Defined.

With full industry participation we would support the development of Best Management Practices. By providing new operations with environmental criteria, engineering decisions designed to minimize environmental impacts can be made at the outset. We wish to stress however, that each operation has a unique set of conditions. The application of Best Management Practice must allow flexibility and technical judgement based on actual operating experience for each site.

6. Sampling and Analytical Requirements

We support the need for a reliable data base to assist not only in developing the effluent limits but for compliance purposes. However, once an adequate data base has been established, a site-specific monitoring program, tailored to

each operation to minimize the ongoing cost should be the objective. This is especially important for operations in remote locations with limited in-house capabilities that rely on outside laboratories.

7. Public Access to Data.

Safeguards must be provided to ensure that specific data concerning the plant and process remain proprietary. Government should, at all times, seek to limit the extent of detail required from companies on process and in-plant conditions. Public releases should be of a general, descriptive nature only. Requests for detailed process information for interagency or public use should be contingent upon the agreement of the operator/owner.

It is our belief that data relating to the final effluents and impacts to the environment should be available to the public upon request. It is suggested that the data be accompanied by a scientific interpretation by government of what the data means. The interpretation should provide easily understood descriptions of the data in lay terms as much as possible. Companies should have an opportunity to provide their own interpretation along with the government writeup.

8. Effluent Requirements for Toxicity, Biomonitoring and Mixing Zones.

Biological monitoring techniques can provide valuable information on the final effluent quality, however, establishing effluent requirements for such techniques is not supported. The need for special expertise (usually provided by outside consultants) makes it an extremely costly endeavour for industry. It is suggested that its use should be limited to cases where such special monitoring efforts are warranted. For example, very often, water quality data alone will provide information on effluent toxicity and actual testing can be redundant.

In our view, for larger ecosystem studies with multiple dischargers, biomonitoring is a government responsibility. Individual companies simply do not have access to the required information on the location and nature of other dischargers.

9. "Toxics Issue"

The metal mining and refining sector shares the Ministry of the Environment's concern over toxic contaminants which bioaccumulate and which consequently have a significant impact upon some environmental element. As a society, we must collectively ensure that environmental impacts due to toxic contaminants are minimized and eliminated, if necessary, wherever a reasonable concern exists. This implies that the MISA program will be properly focussed at those toxic contaminants which truly present a risk. The fact that toxic contaminants can be measured analytically does not necessarily indicate a problem. Advancements in analytical techniques are, by far, outstripping our ability to assess the implications of the chemicals found. The fear that this lack of knowledge generates must be dealt with systematically. There is a need for a prioritized list of chemicals accompanied by a scientific rationale for the position and presence of a particular chemical on that list. A specific control program for each item should then be developed, backed up with technical and scientific rationale. Active participation from affected industries is needed throughout the process.

In closing, we wish to again stress our support for the ministry's MISA initiative and look forward to making a positive contribution in the process.

ONTARIO MINING ASSOCIATION
MEMBER COMPANIES

The Adams Mine
Agnico - Eagle Mines Limited
The Algoma Steel Corp Ltd - Algoma Ore Division
B.P. Resources Canada Ltd - Selco Division
Campbell Red Lake Mines Limited
Canada Talc Limited
Canadian Gypsum Company Limited
The Canadian Salt Company Limited
Conwest Exploration Co. Limited
Denison Mines Limited
Detour Lake Mine
Dickenson Mines Limited
Dome Mines Limited
Domtar Chemical Group - Sifto Salt Division
Domtar Construction Materials
Falconbridge Limited
The Griffith Mine
Inco Limited
Indusmin - Division of Falconbridge Ltd
Kerr Addison Mines Limited
Kidd Creek Mines Limited
Lac Minerals Ltd - Page Williams Mine Division
Lac Minerals Ltd - Macassa Division
Mattabi Mines Limited
Noranda Inc - Geco Division
Noranda Inc - Hemlo Division
Northgate Exploration Limited
Pamour Mines Limited Inc
Queenston Gold Mines Limited
Rayrock Resources Ltd
Rio Algom Limited
Royex Gold Mining Group - Renabie Gold Mine Division
The Sherman Mine
Steep Rock Resources Inc
Teck Corona Operating Corp - Hemlo Division
Umex Inc

TRICIL

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☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: Sept 25/86

September 3, 1986

The Honorable James Bradley
Minister of the Environment
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

In the August, 1984 issue of Tricil's Ontario newsletter "Common Ground", the feature article profiled a brief history of the Canadian and U.S. initiatives to protect our Great Lakes. This article underlines Tricil's support for the Municipal Industrial Strategy for Abatement (MISA) initiative announced in June. The consultive process must, however, include the Ontario waste management industry, of which Tricil is a major influence.

The waste management industry in the Great Lakes Basin has invested substantial capital over the past decade to continue to provide environmentally sound waste treatment alternatives for industrial and manufacturing operations. Waste treatment centres in Ontario, Ohio, Michigan, Illinois and New York now offer a comprehensive capability over a broad geographic area for the cost-effective disposal of wastes which cannot be recycled.

Tricil has provided waste management services to Ontario industry since 1973. Our range of services throughout Canada and the U.S. currently includes:

- Incineration
- Physical Chemical Treatment
- Solidification
- Secure Chemical Landfill
- Solvent recovery and remarketing
- Hydrocarbon product reclamation

Tricil has demonstrated a commitment to the development and implementation of new technologies, including the patented incineration process at our Sarnia facility. As a result of these efforts, Tricil can offer a unique perspective on the feasibility of various initiatives and their likely chance of success. Similarly, Tricil's experience in the U.S. has afforded us the opportunity of assessing the impacts of a number of approaches adopted by the EPA.

Tricil Limited 89 Queensway West, Mississauga, Ontario L5B 2V2 (416) 270-8280 Telex 06-960113

We are clearly in support of the public consultation approach and have initiated a number of activities to foster a better understanding of waste management issues. Our newsletter which receives wide distribution addresses many of the major issues which are of concern to the public and we have joined forces with municipalities and special interest groups to hold Household Hazardous Waste Days.

With reference to the identified objectives of the MISA initiative, we would offer the following comments:

- The consultive process should include those with a stake in the outcome, including the waste management industry. Involvement must be based on responsible participation.

- The municipal discharge criteria development and implementation should be accelerated to be in concert with the industry sectors. As criteria are developed for point source industry discharges, these should apply to sewage treatment plants to ensure consistent application throughout the province.

- The standards for Best Available Technology should be performance standards and not technology standards. This approach will encourage the research and development which will be essential in this industry sector.

- The comprehensive data derived from "self monitoring" will require considerable development to be practical. Your Ministry must clearly identify the "200 priority pollutants" and the "800 compounds of concern" and must define the analytical procedure for each to ensure uniform methods and, therefore, meaningful results.

I hope that these few comments are of assistance in formulating your Municipal and Industrial Strategy for Abatement. We look forward to the success of this initiative and the realization of our common goal of a better environment.

Yours very truly,
Tricil Limited

Charles A. Lalonde
Vice President, Liquids Division

ja

STELCO

MISA EMAA

SEP 16 1986
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☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: OCT 7/86

stelco

Stelco Inc.

General Office
Stelco Tower
Hamilton, Ontario
L8N 3T1
(416) 528-2511

September 10, 1986

Our Ref: GOV-3/2-7

P. Sto

The Honourable Jim Bradley
Minister of the Environment
135 St. Clair Avenue West, 15th Floor
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

The Policy and Program Statement on Municipal-Industrial Strategy for Abatement (MISA) issued in June invited comments.

Our Company will be pleased to cooperate with your Ministry in the development of new approaches aimed at ensuring acceptable water quality in Ontario. We appreciate the opportunity to comment and to participate as promised in the development of the details of the proposed program.

Based on the general principles outlined in the Policy and Program Statement, it is not possible for us to accurately gauge the impact this program may have on our Company. This impact will only be known after more details are available. Therefore, the comments that follow will be general in nature.

Impact Studies

You are to be commended for committing the Ministry to socio-economic impact studies prior to the implementation of new regulations under the MISA program (page 23). Such studies are a crucial factor in ensuring that changing regulatory requirements do not hamper unnecessarily the continued prosperity of this province.

Best Available Technology

This section, and perhaps others, appear to point to heavy reliance on the U.S. Environmental Protection Agency experience and criteria. We caution that such use should be based on practice as well as the written criteria, since the implementation of the programs in the U.S.A. has been subject to numerous variances. Furthermore, the effectiveness of those programs should be assessed to determine if they have led to cleaner lakes and rivers than those in Ontario.

Stormwater Discharge

Non point and point source stormwater discharges are responsible for significant loadings to Ontario's water courses. When establishing loading limits for industrial combined sewer outfalls, therefore, loading criteria will have to be established for the stormwater portion as well as for the portion from treatment plants or processes.

Program Benefits

It is stated that one of the benefits of MISA will be that industries and municipalities will know clearly what is required of them. However, on page 29 and elsewhere, it is stated that the Ministry may set progressively more stringent effluent limits. These statements are contradictory. In fact, the specter of progressively more stringent limits may be a disincentive to proceed with environmental projects. What organization would want to commit large funds to one technology if a more advanced technology may be available within a short time?

Monitoring Regulations

It is reasonable to establish the existence and extent of potential problems with regard to toxic contaminants prior to regulation. However in most cases toxic contaminants are present in very low concentrations and therefore the limitations of monitoring equipment will need to be recognized. Available equipment to measure flow in large outfalls has limited accuracy. In addition the very low concentrations of toxic contaminants may lead to inaccuracy in monitoring results.

Since equipment to measure some of the toxic contaminants is not available in the majority of municipal or industrial organizations the availability of laboratory facilities to cope with the proposed program in the time scale provided must be taken into account.

In general it is agreed that sufficient monitoring should be carried out to establish a statistically valid data base with regard to the level of contaminants and to establish control. However measurement of low concentrations of toxic contaminants can be very expensive and we should ensure that regulations do not require unnecessary repetitive monitoring.

It is hoped that the above comments may be helpful to the Ministry in the development of the MISA program. We look forward to learning more about it and working with your staff in the development of the program details relative to our industry.

Yours very truly,
STELCO INC.

H. H. Eisler
Manager, Environmental Control

HHE:cs

Copy to: Mr. B. I. Boyko
Director, West Central Region

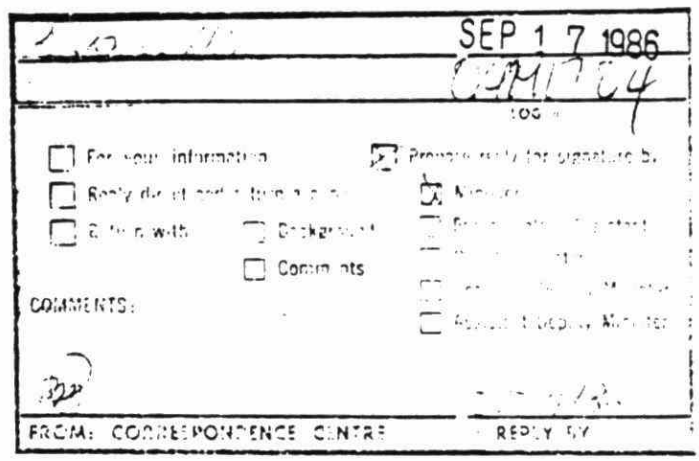
NORANDA

Noranda Inc.
P.O. Box 45
Commerce Court West
Toronto, Ont., Canada M5L 1B6

noranda

(416) 982-7111

September 3, 1986



The Honourable Jim Bradley
Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
M4V 1P5

Dear Minister:

I truly appreciate the opportunity of commenting on the Ministry of the Environment's White Paper titled Municipal-Industrial Strategy for Abatement (MISA). Consultation among all stakeholders involved in this important program of toxic contaminants is, indeed, welcomed and encouraged. I strongly support continued consultation not only on the White Paper and through the technical working groups which are being developed but also on evolving policy matters, guidelines, objectives and other standards which will form the building blocks of MISA.

Noranda Inc. shares your Ministry's concern with persistent, toxic contaminants which bioaccumulate and which consequently have a significant impact upon some element of our common environment and the life cycles dependent upon it. As a society, we must collectively ensure that environmental impacts due to toxic contaminants are minimized and eliminated, if necessary, wherever a reasonable concern exists. This MISA program will begin to direct us along this journey.

My primary reservations with MISA are twofold: the technological practicality of virtually eliminating toxic contaminants and the economic impact of the contaminants control end-point, wherever it may be established, on the mining industry.

The mining industry designs and constructs processing plants for a 10-25 year lifetime, for a specific ore body with its own unique characteristics, in a location dictated by geological factors, climate, topography, hydrology and local environmental conditions. Each mine design must be tailored individually using common processes and consequently, performance - in this case, environmental impact - is highly variable. It may not be practical to transfer the best technology from a new metallurgical plant in Japan, West Germany, the United States or elsewhere in Canada to an old Ontario mine. Nonetheless, there will be technological advancements in toxic contaminants control which will be practical, cost-effective, and efficient which can be applied in situations where a reasonable need exists.

It is unfair to continually impose financial burdens with each advancing cycle of technology upon an existing industry which must survive in a fiercely competitive, world-wide market driven by low cost, third world producers. That is the reality we face. I need not dwell on the severe economics of these times to underscore the need for a practical, cost-effective and reasonable toxic contaminants program.

At this point I wish to encourage you and your Ministry in this very important program of toxics. I believe that government, industry and the public have much to gain by entering into this cooperative, consultative process which you have developed for MISA. I believe further progress can be made through continued dialogue. Noranda Inc. looks forward with anticipation to these deliberations.

Yours truly,

F.Frantisak
Vice President
Environmental Services

FF/jt

ONTARIO WASTE MANAGEMENT ASSOCIATION

ONTARIO
WASTE MANAGEMENT
ASSOCIATION
55 Fenmar Drive
Weston, Ontario M9L 1M4
(416) 746-0852

23 September 1986

Ontario Ministry of the Environment
Suite 100
135 St. Clair Avenue West
TORONTO, Ontario
M4V 1P5

Attention: Mr. P.J. Crabtree, P.Eng.
Assistant Director
Water Resources Branch

M.I.S.A.

Dear Sirs:

Thank you for the invitation to review M.I.S.A. Our representative did attend the briefing meeting in August.

At this time, as most of our members haul waste, we have no comments to make on the program. We support the program and wish to receive updated material as it becomes available.

Yours truly,

W. F. Wells

WFW:lly

W.F. Wells, P.Eng.
Chairman
Government Affairs Committee

cc: N. Cluff

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SEP 24 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CANADIAN STEEL ENVIRONMENTAL ASSOCIATION

P. Leto

Canadian Steel Environmental Association

csea

Association environnementale de la sidérurgie canadienne

aesc

October 17, 1986

Mr. J. Bishop
Director
Water Resources Branch
Ministry of the Environment
1 St. Clair Avenue West
Toronto, Ontario
M4V 1K6

Dear Mr. Bishop:

The attached brief outlines the concerns of the Canadian Steel Environmental Association regarding the Policy and Program Statement On Municipal-Industrial Strategy for Abatement (MISA), June 1986. The member steel producers in Ontario affected by the new initiatives are:

The Algoma Steel Corporation Limited
Atlas Specialty Steels Division
Dofasco Inc.
Lake Ontario Steel Company Limited
Slater Steels Corporation
Stelco Inc.

The members appreciate the opportunity to comment and are prepared to further clarify points raised in this brief. Furthermore the Steel Industry Sector is prepared to co-operate with the Ministry of the Environment in developing a data base and strategy for the control of toxic pollutants.

Yours very truly,

A. Schuldt

A. A. Schuldt
Chairman

AAS:cs
Att.

Copy to: CSEA Members

THE POLICY AND PROGRAM STATEMENT ON MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

The Canadian Steel Environemntal Association is an organization representing companies which produce more than 85% of the steel in Canada. A large portion of the steel production occurs in Ontario. The Association appreciates the opportunity to provide constructive input and dialogue regarding the development of a new strategy for abatement.

The Association supports your Ministry's effort to improve control of toxic pollutants in the Province. The steel industry has spent more than $500 million in capital and is spending about $70 million annually in operating costs on environmental control systems. These programs have resulted in a high level of contol through the use of conventional and innovative technology. Control systems are being maintained and monitored on an on-going basis in order to maintain a level of compliance in keeping with the Ministry's current requirements. This progressive abatement program started about 25 years ago. The Industry is continuing to spend additional millions on enhancements of environmental controls on existing facilities.

As an Association, we support environmental improvement and are pleased to submit some general comments on MISA.

1. CO-OPERATIVE APPROACH

Since the early 1960's the industry has co-operated with the Ministry of the Environment in solving environmental problems unique to Ontario steelmakers. The co-operative climate fostered productive work and steady progress has been achieved. As a result there are no apparent water quality crises relative to the steel industry. The co-operative mechanism outlined in MISA provides a forum for achieving further improvements and we support this principle. We do however, have some reservations with the scope and timetable as it suggests a quantum change is being contemplated in a short period of time. The steel industry is competing in an international market place and our competive position may be seriously eroded if new requirements are excessively stringent. We are concerned that some companies may not be able to financially sustain a rapid increase in environmental costs or develop appropriate technology required to meet the challenges of new standards.

2. STANDARDS

A requirement to apply Best Available Technology Economically Available (BATEA) universally, for instance installing identical controls on each process across the steel sector, will mean costly retrofits at a time when the steel industry is trying to stay cost competitive in a very tight market. In the U.S. almost 10 years elapsed between the time that BATEA regulations were announced and the regulations had to be met. The time frame outlined in MISA is much shorter. The proposed window may not be sufficient for the steel industry to absorb any significant changes and costs should they be required to satisfy BATEA standards.

3. EMISSION CONTROL STRATEGY

It is the Association's position that conventional pollutants are already being controlled and regulated adequately under current Ministry programs set up for the steel industry. This suggests that new initiatives for controlling this class of pollutants are not required. Instead MISA should focus on the control of toxic pollutants.

4. STORM WATER

Steelmaking plants use relatively large tracks of land and in some cases common storm industrial sewer systems. As a result storm water is an issue that should be examined carefully before imposing new requirements for plant discharges. If a plant loading approach is used for control then for combined storm and process sewers an allowance must be made for any stormwater loadings.

5. SECTOR APPROACH

The sector approach to environmental problems will allow the M.O.E. to deal with concerns that are common within the industry. However, it is important to recognize that there are significant differences in geographic location, plant age, and product mix within the steel industry which may make universal application of BATEA inappropriate and unnecessary particularly when discharges are being controlled adequately. Flexibility is required for dealing with site specific situations.

6. PERIODIC REVIEW OF STANDARDS

It is stated that one of the benefits of MISA will be that industries and municipalities will know clearly what is required of them. However, on page 29 and elsewhere, it is stated that the Ministry may set progressively more stringent effluent limits. This would be similar to asking an owner of a 1978 car to install 1986 emission controls.

The concept of making clear what is required is sound but the principle of imposing moving targets for existing plants introduces uncertainty. How to build and what is required becomes a mystery that would tend to frustrate planning and approvals of capital projects. Stability is needed when projects are capital intensive as well as requiring long lead times. In fact, the specter of progressively more stringent limits may be a disincentive to proceed with environmental projects quickly. A dilemma will develop for an organization considering the commitment of huge sums to one technology if a more advanced technology may be come available.

Applying new technology retroactively can seriously undermine the economics of an operation when a company first looks at a possible development. Detailed environmental studies must be carried out in advance and the effluent limits defined for the life of the operation. The capital and operating costs associated with environmental controls are part of the overall feasibility of a project. By imposing an ever changing set of environmental requirements, the actual environmental costs at the feasibility stage would not be known. The result is apt to lead to delays or cancellation of new projects.

However, we agree that for new plants or major modifications it may be appropriate to apply more stringent criteria than for existing plants.

7. MUNICIPAL REQUIREMENTS

It appears that municipalities will not be regulated until major industrial categories are complete in 1989. The time frame should be reconsidered. For instance, evidence exists that residual pollution contributed by some municipal plants has a greater impact on water quality than major industrial water user that are already controlled. Ministry effort should be directed at controlling the most significant sources of pollution first.

8. ONTARIO's NEED

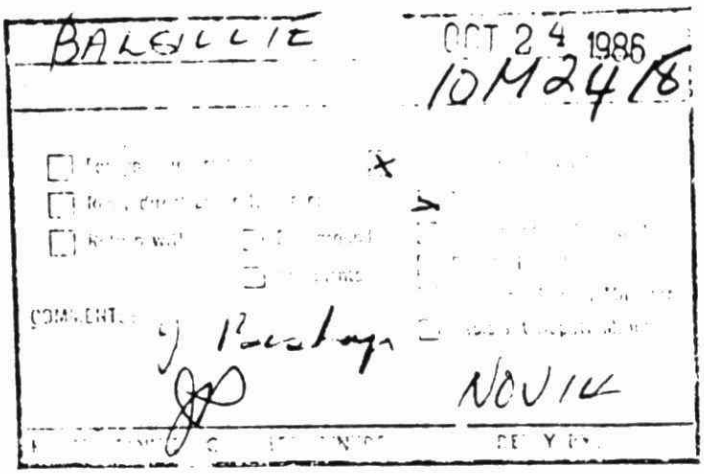
It is important that the new initiatives address Canadian needs and be based on Canadian data. The Steel Industry Sector is prepared to co-operate with the Ministry of the Environment in developing a data base and an appropriate management strategy for abating emissions in Ontario.

CANADIAN MANUFACTURERS' ASSOCIATION

MISA

The Canadian Manufacturers' Association

Helping Manufacturers Grow



October 21, 1986.

The Honourable James Bradley
Minister of the Environment
Ontario Ministry of Environment
135 St. Clair Avenue, West
Toronto, Ontario
M4V 1P5

Dear Minister:

We are writing in response to your request for comments on your recently released White Paper entitled "Municipal-Industrial Strategy for Abatement". The Canadian Manufacturers' Association has a broad membership comprising both large and small companies and representing all sectors of manufacturing. Over 70% of the members are located in Ontario.

We wish to assure you that our Association is firmly committed to the resolution of environmental problems in Ontario and we support your efforts to develop a broad strategy for the control of effluents discharged into Ontario's waterways.

Although all industry recognizes the problems which toxic chemicals can pose, we believe it should be recognized that some improvements in the quality of Ontario's water resources have been made in recent years. We commend your use of consultative mechanisms between government and industry to develop monitoring regulations and effluent limit regulations. We also wish to express our support for the proposed multi-partite consultations in the M.I.S.A. development process. We believe that informed decisions based on input from all interested parties is the best way to deal with environmental problems. Our only comment in this regard is that in several respects the M.I.S.A. document is very general (for example as it relates to regulations for discharges into municipal sewer systems), and it will be necessary to keep the consultation process open as these matters progress.

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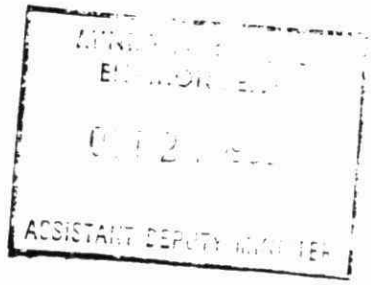

One Yonge Street, 14th Floor
Toronto, Ontario M5E 1J9
416-363-7261
Telex: 065-24693

Improvements in technology and analytical capabilities have allowed us to detect a larger number of substances in trace quantities, but our ability to detect these substances exceeds our understanding of what their consequences might be. Accordingly, we believe an ongoing program of identification of priority toxics is essential to the development of the M.I.S.A. program. Rather than a broad brush approach to effluent characterization, which would prove particularly difficult for smaller industries, we believe the M.I.S.A. program should initially focus on those substances considered to be a priority. We believe that through this process the overall objectives of the abatement strategy can be maintained.

We have attached a listing of our more specific comments. They can be summarized as follows:

1. We generally support the development of standards on a sector-by-sector basis. For those companies which fall outside of the major industrial sectors identified, the development of standards could be problematic, and consideration will have to be given to the consultation mechanism to be used, and adequate time will have to be allowed to develop appropriate regulations.

2. The M.I.S.A. program will be particularly difficult for smaller industries. They will require assistance in developing proper monitoring programs and a considerable phase-in period once the regulations have been adopted.

3. The time frame for monitoring and abatement regulations may be unrealistically short given that complex monitoring will be required and, in some cases, industries will have to implement new technology.

4. We support the use of standards based upon Best Available Technology Economically Achievable (BATEA) for purposes of regulation of new plants. However, we would not support the automatic review of standards for existing plants. The adoption of more stringent limits should only be on the basis of a demonstrated need for improvements in water quality.

5. The use of water quality impact studies will be problematic in situations where more than one company is discharging into a sensitive waterway. Problems will occur both in devising the protocol for such a study and in determining the discharge limits to be applied to each company.

.../3

6. We believe the Ministry must take steps to ensure that confidential information of a third party is not released in such a way as to cause injury to the competitive position of that party. Additionally, there should be no sharing of such confidential information without the consent of the owner of the information.

7. We strongly support the use of socio-economic impact assessments in the development of all regulations.

In summary, we wish to re-emphasize our support for the development of a comprehensive program to control the emission of contaminants into Ontario waterways. We urge the Ministry to develop its proposals in close consultation with all affected parties. Particular consideration will need to be given to the scope of contaminants to be covered, the time required to develop monitoring and abatement regulations, and the limited resources of smaller industries to be effectively represented in the development of the M.I.S.A. program. Finally, we urge the Ministry to allow adequate phase-in time to develop an understanding of the requirements, rather than adopting an excessively punitive approach. We beleive that more progress on environmental problems can be made in the spirit of cooperation, with assistance provided in training, education and adaptation of technology which will lead to meaningful improvements in water quality in Ontario.

We would be pleased to meet with you and your officials to discuss our views in more detail.

Yours very truly,

V. R. Denholm
Vice-President, Ontario Division.

VD/dmh

Sector-by-sector Approach

We are generally supportive of the Ministry's approach to develop standards on a sector-by-sector basis, since this will generally allow the development of standards which are appropriate to the processes and technology employed in each sector. However, the eight major industrial sector classifications which have been chosen are necessarily general, and these sectors should not be regarded as homogeneous in all instances. The White Paper proposes that a separate process will be used to develop monitoring and effluent limit regulations for other industry sectors who discharge to municipal sewage treatment systems. There is little detail given as to how the development of regulations will be coordinated across such a broad number of smaller industries. A great number of the members of CMA would fall into this category and it is essential that considerable thought be given to the consultation mechanism to be employed, and that adequate time be given to develop appropriate regulations.

Impact on Smaller Industries

While CMA represents manufacturing companies of all sizes, more than 70% of the CMA member companies employ fewer than 100 employees. The small business community will find the MISA program particularly complex. It is entirely possible that an education program for small business will be needed before consultation on monitoring and effluent regulations even begins. We note that the White Paper indicates that it will be the obligation of the industrial discharger to carry out water quality impact assessments. Most small business would lack the expertise to design proper monitoring programs on their own, and some assistance will be needed in order to make the program work. In addition, it is likely that smaller industries will require a considerable phase-in period once the effluent limit regulations have been developed.

Timing

The White Paper indicates that the Ministry anticipates having the first monitoring regulations in place in 1987, followed by new abatement regulations twelve months later. We believe that this timeframe may be overly optimistic given the complexities of the matters involved. The use of standards developed on the basis of best available technology will mean that considerable time will be required for industries to implement new technology. Experience in the United States has shown that a considerably longer period of time was necessary in order to allow

.../2

industries to meet BAT standards. On a related issue, the White Paper indicates that where the Ministry makes a written request for abatement after the effluent limits regulation has been developed, a maximum time period of 180 days will be allowed for development of an abatement program. Again, this time period may be unrealistically short given the process and technological changes which may be necessary for some companies in order to meet the abatement targets.

Best Available Technology Economically Acheivable (BATEA)

The use of BATEA standards for purposes of regulation of new plants is supported. However, as noted below, its application in the context of periodic reviews of existing plants would be particularly difficult. The program should ensure that the use of BATEA allows for the adoption of equivalent technologies, at the choice of the owner of the facility, where a similar abatement would result. As well, it is important that we not place too much reliance on the BAT standards developed in the United States. We should be developing our own standards which are appropriate for local conditions.

Periodic Re-examination

The White Paper proposes that each industrial and municipal sector will be periodically re-examined to see if further reductions are appropriate. We are opposed to the suggestion that such reviews be automatic for existing operations. The prospect of such periodic reviews resulting in changes in regulations will make investment decisions and business planning extremely difficult. The normal life cycle of plants and equipment, and the cost of up-grading, means that they cannot necessarily be modified at uncertain intervals and allow the industry to continue to produce a competitve product. Any such up-grading that is required must be on the basis of a demonstrated need for improvements in water quality and not simply on the basis that new technology makes some level of improvement technically feasible. As well, special consideration will have to be given to plants with a limited life.

BAT vs. Water Quality Impact

The White Paper suggests that in some cases, it will be necessary to develop effluent limits on the basis of a detailed assessment of receiving water quality at a given location. It must be stressed that this approach should be limited to a small number of special cases, since its application could result in different standards for companies operating in the same industry, depending upon their location, and thus could put one company at a competitive disadvantage.

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Its application will also be problematic in situations where more than one company is discharging into a sensitive waterway. Several companies will have to participate in and fund the water quality impact study and even establishing a protocol for such a study will be difficult. While the use of loading limits is generally supported, determing the discharge limit for each industry will prove especially difficult.

In addition, it should be recognized that in some cases, neither BAT nor water quality impact based standards will achieve the optimum reduction in contaminants due to the presence of such contaminants from other non-point sources.

Best Management Practices

As part of the BAT strategy the White Paper proposes to define "Best Management Practices" for each industrial sector. We are unable to support the broad application of such a principle without at least having further details as to how it might be applied. The "management practices" which are necessary for a particular company to meet a particular effluent standard are individual to that company and must remain so.

Confidential Business Information

Industry has some concerns with regards to confidential business information which will be obtained by the Ministry through the M.I.S.A. program. It is our view that the results of the initial monitoring database should be considered confidential and should not be released. The Ministry should limit its access to process data obtained as a result of its monitoring activity. Industry must have assurances that confidential information in the hands of the Ministry is not disclosed in such a way as to cause injury to the competitive position of a company. Furthermore, there should be no sharing of such confidential information without the consent of the owner of the information.

Consultation with Municipal Sector

As noted above we support a process which involves consultation with all interested parties in the development of effluent standards. For those industries which discharge directly to municipal sewage systems, it is important that municipal officials be involved in the development of appropriate standards. As well, in many cases professional staff of municipalities have expertise in water treatment and this body of knowledge should be used.

.../4

Pre-treatment of Waste

Pre-treatment by industry of waste before its discharge to municipal sewage treatment plants may not always be necessary or cost efficient. Many large municipal waste treatment plants have the capacity to achieve high removal efficiencies.

Sampling and Analysis of Effluent

The pre-regulation monitoring program described in the White Paper appears to contemplate sampling of effluent by outside consultants and analysis by private laboratories. It is essential that the monitoring phase of the M.I.S.A. program be as cost effective as possible while ensuring the accuracy of effluent characterization. To this end industry should be entitled to make use of internal expertise already available, rather than consultants, where they can demonstrate the use of established sampling procedures.

Care will also have to be taken to ensure that private laboratories have the required expertise and equipment to provide accurate analysis of effluent. For example, problems with detection limits and repeatability can adversely affect the quality of effluent characterization. Consideration should be given to a program for certification of laboratories.

Socio-economic Impact Studies

We welcome the proposal to use socio-economic impact assessments with regard to the development of all regulations. However, it must be recognized that considerable time and funding will be required to complete meaningful studies.

DOMTAR

Domtar Inc.

P.O. Box 7210, Montreal, Canada H3C 3M1
P.O. Box 7210, Montreal, Canada H3C 3M1
(514) 848-5400

M.I.S.A. PINARD

DOMTAR

October 27, 1986

E. Bailie OCT 29
10M2901

☐ For your information ☒ Prepare reply for signature
☐ Reply direct ☒ Minister
☐ Return with ☐ Deputy Minister ☐ Assistant Deputy Minister
☐ Note and file
FOR SIGNATURE
J. Bradley
FROM: CORRESPONDENCE CENTRE Nov 19/86 REPLY BY

The Honourable James Bradley, M.P.P.
Minister of the Environment
15th Floor
135 St. Clair Ave. West
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley,

Domtar is a member of two industry associations, OFIA - The Ontario Forest Industries Association and CCPA - Canadian Chemical Producers Association, presently consulting with your Ministry on the Municipal and Industrial Strategy for Abatement. Domtar is also one of the few Canadian companies with its own active environmental impact assessment monitoring and research group - one whose reputation for quality work is known to your ministry. Domtar is in accord with the responses of the OFIA and CCPA to your ministry's MISA White Paper. Domtar is not in principle in disagreement with the MISA approach, but wishes to express its serious concerns on three aspects of the program. These are:

- *the time frame for implementation*
- *the definition of Best Available Technology*
- *consultation on regulations.*

In our opinion the time frame for the MISA program presented in the White Paper is too short for the pulp and paper and the organic chemical industries for the following reasons.

(i) *There are few, if any, commercial laboratories in Ontario capable of determining trace organic chemicals in effluents. Those which have the capability lack the appropriate quality controls. Tested and proven protocols for sampling and sample handling do not exist.*

We strongly recommend that prior to the pre-regulatory monitoring phase a quality-control phase of at least one year be introduced to guarantee the quality of the data obtained.

(ii) *The information available on potential environmental effects of most of the trace organic compounds in pulp and paper mill effluents is inadequate to establish standards for receiving-water quality. Likewise such information is unsuitable for use in establishing effluent regulations.*

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We suggest that a much higher profile be given in the MISA program to establishing environmental effect levels of persistent trace organic compounds, and hence water-quality standards, before setting effluent regulatory requirements. The Ministry of the Environment must significantly augment its own research program and its analysis of the research of others in this area.

(iii) *The human resources of the OME and of the pulp and paper and organic chemical industries are totally inadequate to develop programs for pre-regulatory monitoring, studies of environmental effects and regulations for these industries in the time-frame suggested in the White Paper.*

To be realistic the time-frame required to implement the MISA strategy must be at least doubled from three to six years.

We agree with the principle that, when a significant environmental impact due to a toxic substance is identified, the "Best Available Technology Economically Achievable" should be installed to control the substance. However, we believe that this term as used in the White Paper needs clarification. "Economically Achievable" must be defined on a site-specific basis, not on an industry-wide basis. Furthermore, the fullest encouragement should be given to in-plant controls before requiring add-on external treatment facilities.

Finally, although we believe that this may have been an oversight, there is no indication in the White Paper that industry would be consulted on the proposed monitoring and control regulations. We recommend that industry associations must be consulted throughout this process if realistic standards and controls are to be achieved.

In conclusion, Domtar is pleased to cooperate with the Ministry in the MISA Program. However, we ask the Minister to consider the points made above and in the attached document to ensure a more cost-effective and environment-effective program for Ontario and for Ontario's industries.

We would be pleased to discuss further our position with you and your Ministry.

Yours truly,

R.R. Pinard
Executive Vice-President
and Chief Operating Officer

RRP/jdn

PENWALT CORPORATION

PENNWALT CORPORATION
CHEMICALS • EQUIPMENT • HEALTH PRODUCTS

LUCIDOL
1740 MILITARY ROAD P.O. BOX 1048 BUFFALO NEW YORK 14240 • (716) 877-1740

October 31, 1986

Mr. Rod McLeod
Deputy Minister
Ministry of the Environment
135 St. Clair Ave., West
Toronto, Ontario M4V 1P5

Dear Mr. McLeod:

The contents of your ministries' White Paper entitled "Municipal-Industrial Strategy for Abatement" (MISA) have recently come to our attention. After reviewing the contents and discussing many items of concern with the Ministers' Policy Adviser, Mr. Gary Gallon, yesterday afternoon, we thought it prudent to write directly to your attention, Mr. McLeod, to express our concerns before legislation is enacted.

Pennwalt Corporation, Lucidol Division, is the largest producer of organic peroxides in the USA and the only producer in Canada. These products are integral components of almost all plastics produced in Canada.

It is our understanding that Technical Advisory Committees composed of people from your Ministry and industry have been formed for the petroleum refining and organic chemical industries to establish monitoring and abatement regulations which will be implemented over the next eight and fourteen months, respectively. Pennwalt Corporation wishes to know:

a) Who is on the organic chemical committee, their positions and areas of expertise?

b) When and where will the committee convene in the future?

c) Can Pennwalt, with a vested interest in the final regulations, provide input or act as an observer at meetings?

Another area of concern is the impact of any legislation on effluent from the municipal sewer systems. It is our understanding that currently the Town of Fort Erie has only a primary treatment facility. If sufficient government funding is not being made available for upgrading of these systems to include secondary or perhaps even tertiary treatment, then the municipality has the right under the sewer use by-laws to refuse effluent from industrial users, perhaps as early as 1989. While Pennwalt has spent several hundred thousand dollars on pollution abatement control over the past decade, we and other Fort Erie chemical manufacturers cannot afford the costs associated with secondary treatment facilities due to the small relative size of these operations.

The third major area of concern is the proposal of changing the effluent limits with no definition of time frames. However, Mr. Gallon did advise us that this could mean a tightening of the limits every seven to twelve years.

However, the uncertainty of the regulations to be inacted and what they will become two, five, or ten years from now, plus the uncertainty of our ability to continue to use the municipal sewer system, have made it very difficult to justify additional capital expenditures in our Fort Erie facility.

Your timely response to our questions and concerns would be appreciated.

Sincerely yours,

PENNWALT CORPORATION
Lucidol Division

D. R. Furniss
General Manager

DRF:kd
cc: Mr. James Bradley
Mr. Gary Gallon
Mr. Ron Bercier

MUNICIPALITIES

TOWN OF NEWMARKET

TOWN OF NEWMARKET ONTARIO
HEART OF THE REGION OF YORK

OFFICE OF THE MAYOR R.J. TWINNEY

ASSISTANT DEPUTY MINISTER

August 19, 1986

D. Balsillie AUG 21 1986
W.R.F. Bishop 08M21 32
LOG #

☒ For your information ☐ Prepare reply for signature by
☐ Reply direct and return a copy ☐ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY:

Ontario Ministry of the Environment,
135 St. Clair Avenue West,
Suite 100,
Toronto, Ontario.
M4V 1P5

ATTENTION: P. J. Crabtree, Assistant Director,
Water Resource Branch.

Dear Sirs:

Re: Ontario Government White Paper
Entitled "Municipal-Industrial
Strategy for Abatement (MISA)".

Receipt of your letter of July 14th, 1986, enclosing a copy of the captioned White Paper is acknowledged. We are naturally quite concerned about the preservation of our environment and the health and safety of our citizens and have read the White Paper with great interest. However, because this Municipality's sanitary sewer system discharges to the York-Durham System (which is under the jurisdiction of the Regional Municipality of York, The Regional Municipality of Durham, and the Ministry of the Environment) and, further, because the Regional Municipality of York has more specialized knowledge of the matters in your White Paper than this Municipality, we are relying on the Regional Municipality of York to represent our interests in this matter and to provide whatever comments on the White Paper that they may deem necessary and appropriate.

We trust that the contents of this letter are adequate for your purposes and thank you for including us in the distribution of your White Paper.

Yours very truly,

ORIGINAL SIGNED BY
R.J. Twinney

Raymond J. Twinney,
Mayor.

RJT:mcw.
cc: Hon. Jim Bradley, Minister of the Environment, 15th Floor,
135 St. Clair Avenue West, Toronto, Ontario. M4V 1P5

W.R. Hodgson, P. Eng., Commissioner of Engineering, The Regional Municipality of York, Box 296, Woodbine Avenue, Newmarket, Ontario.
Councillor P. Hall, Chairman, Water and Sewer Committee, Town of Newmarket.
Regional Councillor R.N. Scott, Co-ordinator, Operations Group, Town of Newmarket.
R. E. Howard, P. Eng., Town Engineer, Town of Newmarket.
S. Plamendon, B.A.,LL.B., Municipal Solicitor, Town of Newmarket.

TOWN OF PICKERING

THE TOWN OF PICKERING

DURHAM

10 Kingston Road, Pickering, Ontario L1V 1C7

Telephone 683-2760

Quote File A 1100

August 8, 1986

Ministry of the Environment
135 St. Clair Avenue West
Suite 100
TORONTO, Ontario
M4V 1P5

Attention: P.J. Crabtree
Assistant Director
Water Resources Branch

Dear Mr. Crabtree,

The Provincial White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)" has been reviewed by our Director of Public Works and I quote from his Report on two areas:-

> "Two areas of concern which the Town could support the need for more positive controls. They are in the disposal of sludges and the control of leachates from Landfill sites. (Refer to Pp. 50-53)
>
> In the case of sludge the Region permits the spreading of liquid sludge on agricultural lands. Whilst the spreading itself is controlled I am not certain that the contents of the sludge are always acceptable for introduction into the food chain. Recent publicity on this point has raised the question and this document gives some consideration to the need for further study. In addition, the Region incinerates sludge from throughout the York Durham area and the control of airborne contaminates is important to the Town. If sludge continues to be disposed at the Brock West Landfill site the leachate from it will continue to be processed at Duffins Creek W.P.C.P. The transmission of any leachate-borne toxins must obviously be considered possible. Any further extensions or the creation of any new landfill sites must inevitably lead to an exacerbation of any existing problems. This may be compounded by the disposal of any solid waste contaminates into landfill sites."

August 8, 1986

P.J. Crabtree
Ministry of the Environment

The Town supports the Ministry's efforts in more stringent controls and trusts that you will give some consideration to the observations above.

Yours very truly

Noel C. Marshall, A.M.C.T.
Town Manager

NCM/md

RECEIVED
AUG 11 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

MUNICIPALITY OF METROPOLITAN TORONTO

The Municipality of
Metropolitan Toronto

Metropolitan Clerk's Department
City Hall, Toronto, Ontario, Canada M5H 2N1
Telex: 06-23472
Telephone 392-8012

Walter J. Lotto, *Metropolitan Toronto Clerk*
Daniel Crombie, *Deputy Metropolitan Clerk*

THE MUNICIPALITY OF METROPOLITAN TORONTO 1953

D BALSILLIE August 1, 1986 AUG 6 1986

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LOG #

☒ For your information ☐ Prepare reply for signature by
☐ Reply direct and return a copy ☐ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY:

The Honourable Jim Bradley,
Minister of the Environment,
Province of Ontario,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Sir:

The Metropolitan Executive Committee on July 29, 1986, had before it the attached report (July 16, 1986) from the Commissioner of Works in response to the Government of Ontario's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)", recently presented by the Minister of the Environment as a policy and program statement for controlling municipal and industrial discharges into surface waters; expresssing various concerns regarding difficulties foreseen in administering the new Regulations, and the greatly increased cost to municipalities of minitoring and treatment which will result; and recommending that a copy of this report be submitted to the Minister for his consideration.

The Metropolitan Executive Commmittee adopted the aforementioned report of the Commissioner of Works and recommended that Council concur in the action taken.

The Metropolitan Council will give consideration to the aforementioned report at its next regular meeting scheduled for September 16, 1986. (Clause No. 17 of Report No. 22 of The Metropolitan Executive Committee.)

Yours truly

To: WKP
Action: Info
Reply for D.M.'s signature
Reply for signature
FOR YOUR INFO
DATE: 06-07
D. BALSILLIE

Lotto

Metropolitan Toronto Clerk.

D. Crombie/rja
Attachment.

Sent to: Minister of the Environment
Commissioner of Works

The Municipality of
Metropolitan Toronto

Metropolitan Works Department
Phoenix House, 10th Floor
439 University Avenue
Toronto, Ontario, Canada M5G 1Y8
Telephone (416) 392- 8200
Address all correspondence to the Commissioner
F.J. Horgan, P.Eng. A.A.E.E. *Commissioner of Works*

70

Refer to: F.J. Horgan, P.Eng. *File no:* 1000.00 *Date:* July 16, 1986

To: Metropolitan Executive Committee

From: Commissioner of Works

Subject: Municipal - Industrial Strategy for Abatement

Recommendation:

That a copy of this report be submitted to the Honourable Jim Bradley, Minister of the Environment, expressing this Municipality's concern at difficulties foreseen in administering the new Regulations, and at the greatly increased cost to municipalities of monitoring and treatment which will result.

Background:

Late in June, 1986, The Honourable Jim Bradley, Minister of the Environment, held a press conference at which a White Paper, entitled "Municipal - Industrial Strategy for Abatement (MISA)", was presented as a policy and program statement for controlling municipal and industrial discharges into surface waters.

The Minister's Foreword indicates that eventually every major discharger of contaminants into Ontario waterways will be required to reduce pollution therein. Receiving bodies of water will be analyzed, and strict pollution control standards for municipal sewage plant effluents will be established. One might assume that plants located on a receiving body as large as Lake Ontario might be permitted higher pollutant discharge than a plant discharging to some small river or water course, although that may not necessarily be the case. The indication is given that when better technology is developed, new and lower limits will be imposed. The latter would appear to require constantly changing standards to be satisfied, so that improvements to, or expansion of, treatment facilities might never cease.

The Paper goes on to discuss existence of toxic materials in watercourses in various parts of the Province, and the desire to remedy the condition by minimizing discharge from recognized sources of pollution. The effort will be achieved through establishment of regulations for each industrial sector and the municipal sector. No mention is made of any controls proposed for Federal or Provincial operations. A monitoring regulation will be established, requiring each industrial company to monitor its effluent for a wide range of contaminants, the self-monitoring program to be policed by the Ministry taking samples from time to time

Ministry will be prepared to continue its 15 per cent. grant towards Regional treatment facilities, and whether the Metropolitan Capital Works Programme will be able to afford the level of expenditure which could be required, remains to be seen.

Enforcement of the regulations is indicated to be through:

(1) requirements that dischargers notify the Ministry of violations;

(2) the Ministry staff screening monitoring data submitted by dischargers; and

(3) Ministry staff evaluating data collected during inspections.

The Ministry will evaluate violations reported to determine if prosecutions should be launched. While it might be argued that any measure which will help avoid environmental pollution is desirable, some argument might be made by the legal fraternity as to whether it is proper to expect a violator to furnish the evidence needed to enable prosecution and punitive measures to be taken against him. In fact, there would appear to be a strong temptation for a violator not to report some incident, and to take the chance that the action will not be detected or that it will not be possible to trace its results back to its source.

The Ministry may issue a written abatement request for action to reduce, prevent, or eliminate pollution, within a reasonable time. However, who makes the determination of what is reasonable is not indicated, given the various obstacles that must be overcome with respect to cost, environmental hearings, etc., in order to put improvements in place.

It is not clear whether the introduction of these regulations at the Provincial level over a three-year period for the industrial sector, and by the end of 1989 for the municipal sector, will have any bearing on the present ability of this Municipality to issue Program Approvals to local industries under By-law No. 148-83, and whether Provincial inspectors will take over the work of our present Industrial Waste Inspectors.

Monitoring Regulations:

The proposed regulations will require industries and municipalities to monitor their own discharges. Accuracy is to be ensured:

(1) by requiring the discharger to follow established sampling, flow measurement, and laboratory analytical procedures;

(2) requiring quality assurance and quality control program to be followed by the discharger's laboratory; and

(3) by the Ministry randomly collecting additional audit samples for analysis in its laboratory to verify the discharger's samples as being representative.

The second requirement would appear to place a very great demand for increased laboratory analysis, since many of the Ontario industries will probably not be equipped with laboratories able to make the more exotic analyses, which we have found to be quite expensive. The increased demand may very well drive laboratory testing costs still higher.

billion, per trillion, per quadrillion). No equipment is available to perform such analyses automatically. It sometimes takes weeks or months before results are reported. We foresee trouble in prosecuting potential violators, who can argue that, while their flow on a given date exceeded by-law limits, the cumulative annual total will not be exceeded.

Hopefully, the Ministry will accept these comments as constructive, and supply answers to, or remove, many of the problem areas we have mentioned.

A copy of the White Paper has been furnished to members of the Committee.

F.J. Horgan - Commissioner

FJH/ns 1000.00

The Municipality of
Metropolitan Toronto

Metropolitan Clerk's Department
City Hall, Toronto, Ontario, Canada M5H 2N1
Telex 06-23472 392-8011
Telephone

Walter J. Lotto, *Metropolitan Toronto Clerk*
Daniel Crombie, *Deputy Metropolitan Clerk*

09M1939

September 17, 1986.

The Honourable James Bradley,
Minister of the Environment,
Province of Ontario,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Sir:

I am enclosing for your information and any attention deemed necessary, the appended Clause No. 17 contained in Report No. 22 of The Metropolitan Executive Committee, which was adopted, as amended, by the Council of The Municipality of Metropolitan Toronto at its meeting held on September 16, 1986.

Yours truly,

Metropolitan Toronto Clerk.

W.J. Lotto/bg
Encl.

Sent to: Minister of the Environment
Area Clerks

Clause embodied in Report No. 22 of The Metropolitan Executive Committee, as adopted by the Council of The Municipality of Metropolitan Toronto at its meeting held on September 16, 1986.

17

MUNICIPAL - INDUSTRIAL STRATEGY FOR ABATEMENT.

The Metropolitan Executive Committee reports having adopted the following report (July 16, 1986) from the Commissioner of Works; and recommends that Council concur in the action taken:

Recommendation:

That a copy of this report be submitted to the Honourable Jim Bradley, Minister of the Environment, expressing this Municipality's concern at difficulties foreseen in administering the new Regulations, and at the greatly increased cost to municipalities of monitoring and treatment which will result.

Background:

Late in June, 1986, The Honourable Jim Bradley, Minister of the Environment, held a press conference at which a White Paper, entitled "Municipal - Industrial Strategy for Abatement (MISA)", was presented as a policy and program statement for controlling municipal and industrial discharges into surface waters.

The Minister's Foreword indicates that eventually every major discharger of contaminants into Ontario waterways will be required to reduce pollution therein. Receiving bodies of water will be analyzed, and strict pollution control standards for municipal sewage plant effluents will be established. One might assume that plants located on a receiving body as large as Lake Ontario might be permitted higher pollutant discharge than a plant discharging to some small river or water course, although that may not necessarily be the case. The indication is given that when better technology is developed, new and lower limits will be imposed. The latter would appear to require constantly changing standards to be satisfied, so that improvements to, or expansion of, treatment facilities might never cease.

The Paper goes on to discuss existence of toxic materials in watercourses in various parts of the Province, and the desire to remedy the condition by minimizing discharge from recognized sources of pollution. The effort will be achieved through establishment of regulations for each industrial sector and the municipal sector. No mention is made of any controls proposed for Federal or Provincial operations. A monitoring regulation will be established, requiring each industrial company to monitor its effluent for a wide range of contaminants, the self-monitoring program to be policed by the Ministry taking samples from time to time on unannounced visits. It is anticipated that the MISA program will cover all major toxic polluters of waterways within three years. Monitoring of the municipal sector, consisting of some 400 sewage treatment plants taking wastewater from some 12,000 industries, will also be undertaken.

Monitoring regulations for petroleum refining and organic chemical industries are planned to be published by mid-1987, and abatement regulations will be introduced nine to 12 months thereafter. Pilot studies of certain sensitive and confined aquatic areas are planned, one of which is Toronto Harbour. The industries, municipalities, and the public, are to be consulted on the development of the MISA program, and there will be 60 days for interested parties to submit written comments on the White Paper. Accordingly, it is necessary, if any submission is to be made by this Municipality or by this Department, to obtain sanction thereof from your Committee. We might add that we have received no formal advice from the Ministry about the release of its White Paper, or the 60-day notice; we do not know if, or how, industries have been notified.

The MISA Solution:

The Ministry of the Environment states that the MISA program is being undertaken in full consultation with Environment Canada, municipalities, affected industries, interest groups, and the general public.

One cannot argue with the ultimate goal to achieve eventual elimination of toxic contaminants in municipal and industrial discharges into waterways. However, it is obvious that achievement of that goal will be costly. The monitoring program, the announced intention to require best available technology, effluent limits to be set, enforcement measures, etc., all introduce potential increases in cost. There will be a continuing difficulty to sort out claims by equipment suppliers of improved technology versus actual proven performance, which was the major value in the solid waste field of the Experimental Resource Recovery Plant, whose operation will be suspended by the Province in March, 1987

Key components of the MISA program involve pre-regulation consultation, comprehensive data base, a best available technology economically achievable approach for setting effluent limits, a water-quality impact approach with regard to the receiving body of water, and abatement and enforcement mechanisms. (It might be noted that in the use of the acronym (BAT) for "best available technology economically achievable" in the remainder of the White Paper document, the significance of the final two words is lost.).

We understand that the consultation with the municipal sector is expected to be provided through the Municipal Engineers Association, which is a member of a Technical Committee including the Ministry. It will be important, therefore, for municipal bodies to funnel any concerns with regard to technology, policing, costs, etc., to the Municipal Engineers Association for discussion with the Ministry. It is proposed that the consultation process will bring about limitations on the extent of pollutant discharge permitted in each case, with the public having complete access to data on contaminant discharges and on the effluent limits set. Dischargers will have to apply to the Ministry for Certificates of Approval for proposed works to be constructed for Abatement Programs. In the case of our sewage treatment plants, which are among the largest in the Province, we already experience difficulty in setting priorities for various improvements which should be made, and which presumably will be required under the proposed program approval. Whether the Ministry will be prepared to continue its 15 per cent. grant towards Regional treatment facilities, and whether the Metropolitan Capital Works Programme will be able to afford the level of expenditure which could be required, remains to be seen.

Enforcement of the regulations is indicated to be through:

(1) requirements that dischargers notify the Ministry of violations;

(2) the Ministry staff screening monitoring data submitted by dischargers; and

(3) Ministry staff evaluating data collected during inspections.

The Ministry will evaluate violations reported to determine if prosecutions should be launched. While it might be argued that any measure which will help avoid environmental pollution is desirable, some argument might be made by the legal fraternity as to whether it is proper to expect a violator to furnish the evidence needed to enable prosecution and punitive measures to be taken against him. In fact, there would appear to be a strong temptation for a violator not to report some incident, and to take the chance that the action will not be detected or that it will not be possible to trace its results back to its source.

The Ministry may issue a written abatement request for action to reduce, prevent, or eliminate pollution, within a reasonable time. However, who makes the determination of what is reasonable is not indicated, given the various obstacles that must be overcome with respect to cost, environmental hearings, etc., in order to put improvements in place.

It is not clear whether the introduction of these regulations at the Provincial level over a three-year period for the industrial sector, and by the end of 1989 for the municipal sector, will have any bearing on the present ability of this Municipality to issue Program Approvals to local industries under By-law No. 148-83, and whether Provincial inspectors will take over the work of our present Industrial Waste Inspectors.

Monitoring Regulations:

The proposed regulations will require industries and municipalities to monitor their own discharges. Accuracy is to be ensured

(1) by requiring the discharger to follow established sampling, flow measurement, and laboratory analytical procedures;

(2) requiring quality assurance and quality control program to be followed by the discharger's laboratory; and

(3) by the Ministry randomly collecting additional audit samples for analysis in its laboratory to verify the discharger's samples as being representative.

The second requirement would appear to place a very great demand for increased laboratory analysis, since many of the Ontario industries will probably not be equipped with laboratories able to make the more exotic analyses, which we have found to be quite expensive. The increased demand may very well drive laboratory testing costs still higher.

Regulations are to be applied to municipal sewage treatment plants on a staged basis. The mechanisms for the control of industrial discharges to municipal sewer systems will be developed in parallel with the Municipal Control Program for sewage treatment plants, expected to be completed by the end of 1989. Load reductions of contaminant discharges are to be continually reviewed and updated as ongoing scientific studies indicate further environmental impacts, and new and expanded municipal or industrial treatment plants will be required to meet more stringent limits within older established plants.

In an Appendix to the White Paper, reference is made to determining the maximum permissible daily value to be applied to normal well operated plants. The effluent limits will be framed in terms of performance only. The industry or municipality will have the option to choose the means to achieve effluent limits. However, the earlier reference to requiring presentation of plans to obtain a Program Approval would appear to give the Ministry a certain power of determining so-called acceptable methods.

In actual practice, it would appear that it is the intent of the Ministry, having established the permissible effluent level for contaminants from municipal sewage treatment plants, to require the municipality to trace back upstream in its sewer system the source of any such contaminants which may be found objectionable. Performance of this work will very likely require increased staff, and much more extensive laboratory capability and cost than we presently experience. An earlier reference was made to a reasonable time for compliance with a Ministry Order to reduce, prevent or eliminate pollution, and it is defined in the Appendix as not exceeding 180 days. That, in fact, may be far from a reasonable time to investigate, plan, obtain environmental approval, call for tenders, and contract for construction of the necessary facilities; however, there is an indication that if the discharger is not in compliance within that time limit, an option in the form of an abatement program agreed to and documented in a control document, must be demonstrated.

Regulations will also control disposal of sewage sludge, and in our case, since we incinerate, the intention to provide guidelines for the design and operation of incinerators is of interest, since the said guidelines are described as being under development.

The indication is given that the penalties for violations of The Ontario Water Resources Act and The Environmental Protection Act, are to be increased. Metropolitan Council has already requested an increase in the maximum $2,000.00 fine which can now be imposed by a municipal by-law under The Municipal Act. Reference is made to control of urban run-off and its polluting effect, and of leachates from landfill sites coming under closer and more extensive examination.

A final concern on our part is the seeming assumption that it is possible for industries and municipalities to monitor daily flows on a continuous basis, analyzing the flow characteristics, to determine compliance with annual limits for given contaminants granted by the Ministry under its Regulations. To the best of our knowledge, such monitoring equipment is not available at this time. Samples have to be extracted from flows in prescribed fashion, properly stored, and shipped to laboratories for computerized analysis by gas chromatograph and mass spectrophotometry to detect contaminants in very minute quantities (parts per billion, per trillion, per quadrillion). No equipment is available to perform such analyses automatically. It sometimes takes weeks or months before results are reported. We foresee trouble in prosecuting potential violators, who can argue that, while their flow on a given date exceeded by-law limits, the cumulative annual total will not be exceeded.

Hopefully, the Ministry will accept these comments as constructive, and supply answers to, or remove, many of the problem areas we have mentioned.

A copy of the White Paper has been furnished to members of the Committee.

(A copy of the White Paper referred to in the foregoing report has been forwarded to each Member of Council and a copy thereof is on file in the office of the Metropolitan Toronto Clerk.)

(The Metropolitan Council on September 16, 1986, amended the foregoing Clause by adding thereto the following:

"It is further recommended that the Commissioner of Works be requested to report to the Works Committee on the existing financial implications of Metropolitan environmental programming goals and the grant levels from the Provincial and Federal Governments, together with recommendations on how these grants should be enhanced to assist in achieving these goals.")

CITY OF THUNDER BAY

The Corporation
Of The City Of
Thunder Bay

500 Donald Street, East,
Thunder Bay, Ontario.
P7E 5V3

(807-625-2704)

RECEIVED
AUG 2 - 1986
WATER
ONTARIO MINISTRY

Office of the Director,
Engineering & Operations.

August 18th, 1986.

Mr. P. J. Crabtree,
Assistant Director,
Water Resources Branch,
Ministry of the Environment,
135 St. Clair Avenue West,
Suite 100,
Toronto, Ontario.
M4V 1P5

Dear Mr. Crabtree:

Re: Provincial White Paper -
Municipal-Industrial Strategy for Abatement (MISA)

Dear Mr. Crabtree:

The proposed program for controlling Municipal and Industrial discharges into surface waters as outlined in the Ontario Government's White Paper, appears to be a timely program in view of the current concern over the discharge of persistent toxic substances to our water courses.

It would be our intention to provide full co-operation in the program, both at the Municipal level and through our staff involvement in the Municipal Engineer's Association.

As the proposed Monitoring Regulations for toxic substances will place additional cost burdens on our Sewage Treatment Plant laboratory operations, we would request that the Province give consideration to providing financial assistance for this monitoring.

Yours sincerely,

Carl L. Sharp,
Director.

DW/mh
c.c.: Mr. D. MacLeod,
Chief Administrative Officer.

REGIONAL MUNICIPALITY OF NIAGARA

(PIERSON)

AM

Regional NIAGARA

OFFICE OF THE CLERK

The Regional Municipality of Niagara
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: (416) 685-1571

August 22, 1986

Our Ref: PW 22-86
DEA-287-27

D. BALSILLIE AUG 22
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- [x] For your information
- [ ] Prepare reply for signature by
- [ ] Reply direct and return a copy
- [ ] Minister
- [ ] Return with
- [ ] Background
- [ ] Parliamentary Assistant
- [ ] Comments
- [ ] Deputy Minister
- [ ] Associate Deputy Minister
- [ ] Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY:

The Honourable James Bradley, MPP
Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

Re: **Niagara's Response to the Province of Ontario's Municipal/Industrial Strategy for Abatement (MISA)**

The Council of the Regional Municipality of Niagara, at its meeting of August 21, 1986, approved the following recommendation of the Public Works and Utilities Committee:

> "That the brief attached to DEA-287, item 27, in response to the Province of Ontario's Municipal/Industrial Strategy for Abatement (MISA), be approved and forwarded to the Ministry of the Environment by August 24, 1986.

By copy of this letter and the enclosed brief, the Local Members of Parliament will be advised of Niagara's response to the MISA program.

Yours very truly,

A.R. Pierson
Regional Clerk

:sr
Encl.

cc: Local MPP's
C.H. Eidt, P. Eng.
E.R. Simonen, P. Eng.

THE REGIONAL MUNICIPALITY OF NIAGARA
Public Works Department

Report to: Mr. S. Pettit, Chairman and Members of the Public Works and Utilities Committee

Councillors:

Niagara's Response to the Province of Ontario's Municipal/Industrial Strategy for Abatement (MISA)

The following recommendation is submitted for Committee's consideration:

> That the Brief attached to DEA-287, Item 27, "Niagara's Response to the Province of Ontario's Municipal/Industrial Strategy for Abatement (MISA)", be approved and forwarded to the Ministry of the Environment by August 24, 1986.

In June, 1986, the Ministry of the Environment introduced their Municipal/Industrial Strategy Abatement (MISA) - A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters. A copy of this document was received for Committee information as DEC-286, Item 24, on July 22, 1986.

MISA is intended to deal with toxic contaminants being discharged to surface waters. Current controls are aimed at the conventional pollutants such as bio-degradable wastes, suspended solids, ammonia, phosphorus, some metals, oils, grease and phenols. MISA is intended to deal with two main groups of toxic contaminants, namely, toxic metals such as mercury, lead and arsenic and toxic organics (carbon based compounds), such as dioxins, PCBs and chlorinated benzenes.

MISA will establish an abatement program for all the major specific toxic pollutants. The waste streams for each discharge will be analyzed. Hazardous pollutants will be identified and discharge standards will be set using as a criterion, the best available technology that is economically feasible (BAT).

Key components of MISA include:

- Pre-regulation, Consultation and Public Participation. Preliminary meetings have been held with some municipal, industrial and public interest groups as part of the pre-regulation phase of MISA development. Individual sector technical committees made up of Ministry, Environment Canada and sector representatives supervise the work of consultants engaged for the pre-regulation

monitoring programs, make recommendations regarding the program, and advise on the content of the monitoring regulation. Public review and comment are invited for a 60 day period following its publication (ending August 24, 1986). Following this, draft regulations will be formulated and made available for formal public review and comment.

- Data Base. Through the monitoring regulation, a large data base on toxic contaminants will be built on existing municipal and industrial data bases.

- Best Available Technology Economically Available (BAT). BAT effluent limits will be set by regulation for each industrial sector and the municipal sector. These can include onsite treatment, inplant treatment, recycling and water reuse, process change and substitution or replacement of materials used in the process. Factors other than water quality, such as air quality and solid waste disposal, will also be taken into account. Regulations will require that programs be in place controling onsite spills and leaks and runoff from raw material storage and handling areas.

- Water Quality Impact. Effluent limits required for protection of receiving water quality at a given site will be determined. A preliminary assessment of receiving water impacts will be required to confirm whether BAT effluent limits are sufficient or whether more stringent water quality impact limits are required.

- Abatement and Enforcement. The monitoring regulation will set out requirements for dischargers to sample their effluents and submit data on a set schedule. An Effluents Limits Regulation will also set out requirements for dischargers to meet specified effluent limits defined in statistical terms. The Ministry will become aware of effluent limit violations by:

1) dischargers being required to notify the Ministry of violations.
2) Ministry staff screening the monitoring data submitted by dischargers.
3) Ministry staff evaluating data collected during inspections.

All violations will be evaluated for abatement and enforcement actions and to determine if prosecution should be lodged.

The MISA program will be put into place as follows:

1. Pre-regulation Phase. A pre-regulation consultation and monitoring phase will be conducted to provide data and information for the development of effective and practicable regulations for each sector.

2. Monitoring Regulations. When the pre-regulation monitoring period for a given sector has been completed, a monitoring regulation will be promulgated for that sector.

3. Effluent Limits Regulations. As pollution data are collected and pollution control technology assessed, BAT effluent limits regulations will be promulgated for each sector.

4. Abatement and Enforcement. Implementation of the monitoring and effluent limits regulations will lead to the abatement of discharges at source. The Ministry will back up abatement requirements with established enforcement procedures.

5. Timing and Sequencing. The monitoring and effluent limits regulations will be phased in over a three-year period for the industrial sectors and by the end of 1989, for the municipal sector.

6. Public Participation. Municipaliites, industry, the public and interest groups will all participate in the development of the MISA program.

Complementary programs will be developed to review existing water management policies and procedures. Related policies, guidelines and implementation procedures will also be reviewed and revised. Pilot studies are being carried out across the Province to evaluate the impact of various discharges on our receiving water environments. These pilot studies will be completed by the end of 1988.

Future load reductions will be achieved as BAT levels are revised periodically to reflect recent technological and economic changes. New and expanded municipal treatment plants will be required to meet more stringent limits than older established plants. Effluent limits for systems achieving BAT levels will be reviewed periodically and will be reduced if updated BAT levels or water quality impact effluent limits have become more stringent.

In response to the above, staff has prepared the brief attached to this report. It indicates agreement with the concepts of reducing persistent toxic contamination, but expresses concerns with regards to the costs that will be associated with the rapid implementation of MISA. It also expresses concerns about unclear areas as to requirements to be met by municipalities and other operating agencies.

It is recommended that the Brief be approved and submitted to the Ministry of the Environment as our response to MISA.

Approved by:

E.R. Simonen, P. Eng.
Environmental Services
Division Engineer

Respectfully submitted:

C.H. Eidt, P. Eng.
Director of Engineering

ERS/pg

Attach.

August 12, 1986

NIAGARA'S RESPONSE TO THE PROVINCE OF ONTARIO'S MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

INTRODUCTION

Niagara finds MISA a desirable and noble approach towards a long term solution to persistent toxic pollution and the provision of a healthy and safe environment. Our major concern is one of cost and the ability of our economy to absorb in a short time frame, the cost associated with MISA. The cost will be borne by our taxpayers directly in terms of sewer rate charges, and indirectly, through costs to industry in the requirement for non-productive capital investment that may not be matched by foreign competition. It is also noted that the policy statement leaves many areas unclear as to the requirements to be met by municipalities and other operating agencies.

RESPONSE

Niagara applauds MISA as a desirable step in reducing toxic pollution. The approach should, in the long term, bring about many environmentally sound results in restoring our natural water quality. We are hopeful that other programs will deal with air pollution, land disposal practices, and non-point sources of contamination.

Our concerns are related to the proposed timing of many requirements and the associated costs. These will be in addition to costs resulting from other Ministry programs, which in themselves are placing a heavy financial burden on Niagara. The Ministry of the Environment directed that combined and sanitary sewer overflows be eliminated in the future. Sewer improvements, retention systems and increased pollution control plant capacity will form parts of a solution to this directive. This undertaking will be costly, and complicated in Niagara, by the split jurisdiction for collection and treatment. In built-up areas, technically feasible solutions may be difficult to achieve. In addition, new Certificates of Approval are containing conditions for future works that in some cases will be very expensive. These also commit future Councils to action without OMB approval. Our concerns are that MISA will bring about additional costs to be added to already high capital and operating budgets.

The cost to Niagara taxpayers will come from two areas. First, are direct costs associated with our sewer rate which must increase to meet charges for increased monitoring, staffing, enforcement, and power and chemicals for increased flows, along with increased capital debt, all of which, we feel, will occur as MISA is implemented.

Costs will also be borne by all Ontario taxpayers as industry will be forced to place scarce capital into nonproductive

monitoring and plant, a move that may not be matched by their competitors in the world market. In some cases, companies may not be able to raise the funds to meet MISA requirements.

The statement indicates that the municipal sector is represented on committees by the Municipal Engineers' Association. We are concerned that this Association is not representative of all municipalities, and further, that its internal communications is not adequate to deal with such an important policy as MISA. We would hope that the input of other groups and associations has also been solicited and utilized in forming this policy. We would hope that all municipalities be required to formally acknowledge receipt of the White Paper, so that the Ministry can be assured it has been adequately reviewed.

MISA states that the municipal program includes acceptance of industrial wastes. Niagara currently has an enforcement and inspection program associated with our sewer use bylaw. Despite what we feel are reasonable efforts, violations may occur without detection. In such an event, discharges from the affected pollution control plant may not meet Ministry guidelines and the operating authority may be subject to prosecution. We would appreciate the opportunity to provide input into the matter of the level of activity of bylaw enforcement with an objective of uniformity across the Province.

It is uncertain whether quantity limitations on industrial discharges to municipal sewers will be established by the Ministry or by the municipalities. If these are to be done by municipalities, we would also wish to provide input to ensure uniform approaches to similar industries across the Province. Also, we feel there is merit in requiring industries discharging to municipal sewers, to advise of all chemicals that may be discharged, both for control purposes and for dealing with the provisions of the Occupational Health and Safety Act.

Currently, information we collect in the enforcement of our sewer use bylaw is kept confidential. We find this particularly useful in attempting to bring about negotiated resolution of difficulties with an industry. If this information is to be available to the public, this confidentiality will be lost, and may be utilized by competing industries. As well, industry may be less willing to seek co-operative solutions if the information they provide is not kept confidential.

Non-point sources are partially addressed in the need for programs for spills, leaks, and runoff. It does not however, deal with agricultural sources, former industrial sites, or disposal areas. These must also be considered.

The policy statement indicates that socio-economic impact studies will be carried out. However, it does not indicate at

what detail these impacts will be studied. Hopefully, the process will not be costly and lengthy.

It is noted that in the United States, initially "best practicable technology" (BPT - the average of the best existing control performances) was required, then "best conventional technology" (BCT - to upgrade existing sewers beyond BPT levels) and then, "best available technology" (BAT - the best existing economically achievable performance). MISA proposes that best available technology be utilized initially. This underlines our concern regarding the speed of the implementation of MISA.

The future requirements would indicate that many more tests will be required and we anticipate that our laboratory expenses will increase greatly as a result.

It is indicated that Certificates of Approval will have a general requirement to operate a facility in an efficient manner. This is a wide ranging statement that requires clarification. We feel our facilities are now being operated efficiently, and any additional requirements will add to our costs of operation and maintenance.

MISA places greater emphasis on day to day operations. We would suggest that there may be a need for legislation to prohibit

withdrawal or services by staff operating essential pollution control facilities so that the operating authority can realistically deal with other contingencies.

We have concerns with regard to the disposal of digested sewage sludges and are dealing with short and long term solutions in a separate study. Included in our sludge management program are sludge characteristics and volume projections, public relations, industrial waste control program, plant unit processes, storage facilities, and contingency plans. We fear future sludge disposal requirements will greatly increase our costs. MISA, although considering air and ground pollution impacts, does not address the issue of increased costs.

SUMMARY

We support the long term goals of MISA. The above concerns are not meant to discredit in any fashion, the proposed policy. However, it is evident to us that costs will increase greatly and we fear that our taxpayers will have difficulty accepting major increases in costs over a relatively short period. Funds from other municipal functions may be diverted from already under-funded budgets. We would be pleased to work with the Ministry towards the implementation of MISA, but would suggest

that it be implemented carefully with the costs associated with each phase fully understood by all affected parties. Clarification of a number of issues will also be required.

ERS/pg
(A1-ONT)

Regional NIAGARA

PUBLIC WORKS DEPARTMENT
The Regional Municipality of Niagara
2201 St. David's Road, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: (416) 685-1571

F. Craitor
MINISTRY OF THE ENVIRONMENT
AUG - 5 1986
08E0504
ASSISTANT DEPUTY MINISTER

July 30, 1986

Dr. David Balsillie
Assistant Deputy Minister
Environmental Services Division
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Dr. Balsillie:

Sludge Management Planning

I am writing you following a brief discussion with Mr. Walter Giles with regard to a study we propose undertaking in Niagara. In developing our Terms of Reference, a draft copy of which are attached, we felt that we were not unique in Ontario. The problems we are facing, or are anticipating, are similar to those of many jurisdictions across Ontario.

All operating authorities will be faced with more stringent requirements as the Municipal Industrial Strategy on Abatement is implemented. It is our feeling that a "Blueprint for Sludge Management" might be considered as has been done for waste management.

Our purpose in writing is to express our comments to you, and to offer Niagara as a pilot project that might serve as background for such a "blueprint" and at the same time form an important component in the implementation of M.I.S.A. We would hope that such an undertaking could be partially funded by the Ministry of the Environment so that your input and comment will help ensure that the study results are transferable to other jurisdictions.

We would be pleased to discuss this further with you. If you have any questions, please feel free to contact myself, or the Head of our Environmental Services Division, Mr. E. R. Simonen, P. Eng.

Thank you for your consideration.

Yours very truly

C. H. Eidt, P. Eng.
Director of Engineering

ERS/mg
(J30BALS)

CITY OF BARRIE

CITY HALL
70 COLLIER STREET
TEL. (705) 726-4242

P.O. BOX 400
BARRIE, ONTARIO
L4M 4T5

July 23, 1986
File: 0512
1302

Mr. P.J. Crabtree,
Assistant Director,
Water Resources Branch,
Ministry of Environment,
135 St. Clair Avenue West,
Suite 100,
Toronto, Ontario.
M4V 1P5

Dear Mr. Crabtree:

I have just received your letter inviting my Council to comment on your MISA program.

I have referred your White Paper to our Public Works Superintendent to review it and prepare a Staff Report for our General Committee's consideration on September 2, 1986. Because Council's policy is to recess during the month of August, we will be unable to respond to you until after it is adopted by Council on September 8, 1986.

Yours truly,

B. Straughan, AMCT. CMC.,
City Administrator

cc: N. Fox, Public Works Superintendent
R. Allen, City Engineer
R. Bates, City Clerk

BS/th

RECEIVED
JUL 28 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY HALL
70 COLLIER STREET
TEL. (705) 726-4242

File: 6-1-2
2-7

P.O. BOX 400
BARRIE, ONTARIO
L4M 4T5

July 29, 1986

Mr. P.J. Crabtree, Assistant Director
Water Resources Branch
Ministry of Environment
135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

Dear Mr. Crabtree:

I wish to advise you the Council of the Corporation of the City of Barrie received your letter dated July 14, 1986 regarding Municipal-Industrial Strategy for Abatement (MISA).

This matter has been referred to Mr. N. Fox, Superintendent of Public Works, and is being held pending further investigation and report to City Council for reply.

If you have any concerns in this regard, please do not hesitate to contact Mr. Fox.

Yours very truly

Jo Charlebois,
City Clerk's Assistant.

JC:lep

cc: Mr. N. Fox, Superintendent
of Public Works

RECEIVED
AUG - 1 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY HALL
70 COLLIER STREET
TEL. (705) 726-4242

File: 2-7

P.O. BOX 400
BARRIE, ONTARIO
L4M 4T5

September 15, 1986

Mr. P.J. Crabtree
Assistant Director
Water Resources Branch
Ministry of the Environment
1 St. Clair Avenue W.
4th Floor
Toronto, Ontario
M4V 1K6

RECEIVED
SEP 19 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

Reference: Council Motion 86-G-567

Dear Mr. Crabtree,

This is to advise you that the Council of the Corporation of the City of Barrie adopted the following motion at the meeting held September 8, 1986.

Motion 86-G-567
"That the report entitled "Municipal Comments on the Paper, Municipal-Industrial Strategy for Abatement" be adopted, and that the principles established by MISA be endorsed as desirable objectives, and that the Ministry of Environment give serious consideration to the municipal concerns when regulations are established for the municipal sector, and that the report be forwarded to Mr. P.J. Crabtree, Assistant Director, Water Resources Branch, Ontario Ministry of the Environment as our municipal coment on the MISA Program.

We have enclosed a copy of this report for your information.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

Helen L. Foster

Helen L. Foster, AMCT
Deputy City Clerk

HLF:bj
cc: Supt. Public Works
City Engineer

Public Works Department
Pollution Control Division

MUNICIPAL COMMENTS

ON

THE ONTARIO GOVERNMENT'S WHITE PAPER

MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

****

Upon review of the policies and program statements outlined in this White Paper, significant responsibility has been transferred to the municipalities without any substantial commitment to increase their legislative authority. As is stated on Paper 3, the Ontario Government proposes to control 200 of the 300 direct industrial discharges and 400 sewage treatment plants. The owners and operators of the 400 sewage treatment plant are required to control some 12000 indirect industrial discharge without the advantages of:

- Monitoring Regulations requiring the direct industrial discharges to establish and maintain a self-monitoring program.

- BAT Effluent Limits Regulations which include provision to notify the Ministry of known violations.

- Control Orders offering specific abatement actions to be accomplished under a given schedule.

- Certificate of Approval requiring approval of the Ministry prior to constructing works for Abatement Program.

Indeed on Page 48, the municipality is offered the choice of upgrading their treatment facilities or locating the source of contaminant and enforcing their Sewer Use By-law; however, on Page 24 there is a commitment to complete a mechanism for the control of industrial dischargers to municipal sewer systems by the end of 1989, some twelve months after province-wide Municipal Monitoring Regulations and coincident with province-wide Municipal Effluent Limits Regulations which are scheduled for complete implementation. Unless municipalities are provided the mechanisms to require indirect industrial dischargers, in a manner similar to MISA, to self-monitor and regulate their discharges, they will have limited success through enforcement of their Sewer Use By-law, and would be required to bear the total economic impact of monitoring and enforcement.

Additionally, the compliance to a municipality's discharge limits is most probably compromised by an indirect industrial discharger into the municipal sewer system. The Municipal Abatement Program will [illegible] compliance of the indirect discharger without adequate provisions [illegible] compliance.

One of the key components of the MISA Program is to have complete public access to data on contaminant discharges to surface water (Page 14). This is not a desirable policy in its current form. Some component of an industry's discharge may compromise its competitive advantage by revealing a trade or priority process. As well, industrial confidentiality is one of the most beneficial advantages a municipality can acquire in an industrial waste monitoring program. An industry will assist in the evaluation of waste stream on the certainty that information revealed will not find its way to a competitor. Currently, this municipality is not aware of any formal mechanism to access information through the waste generation registration component of Regulation 309. If Regulation 309 and MISA do provide potential contaminant waste stream information to a municipality then industrial confidentiality may be the only means short of costly broad screening analysis to determine potential contaminants. We would not suggest restrictive access by the public to contaminant information in non-compliance.

No significant exceptions are apparent in the concept and strategy of MISA, except noted above, however implementation procedures will require expansion to the level of service currently offered by the municipality.

In summary, the municipality would appreciate consideration of the following factors when the regulations are established for the municipal sector:

- Inclusion of the municipal authority in the monitoring and control measures established by MISA which would regulate indirect industrial discharges.

- Coincident improvement in the regulations governing Sewer Use By-laws.

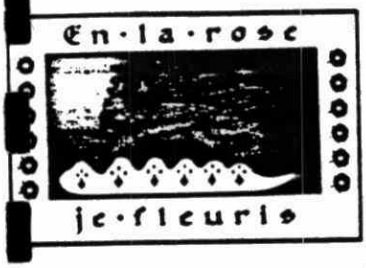
- Recognition of the influence of indirect industrial discharges within abatement and enforcement actions impose upon the municipal sector.

- Provision for industrial confidentiality when contaminant discharges are in compliance with regulations.

- Municipal access to the waste generation registration component of Regulation 309.

- Continued involvement of the municipality at each stage in the development of regulations which achieve the goals of MISA.

TOWN OF RICHMOND HILL



The Town of Richmond Hill

P.O. Box 300, 10,266 Yonge St.
Richmond Hill, Ontario
Canada L4C 4Y5
Tel: 884-8101

July 22, 1986

Ministry of the Environment
135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

Attention: Mr. P. J. Crabtree,
Assistant Director, Water Resources Branch

Dear Mr. Crabtree:

Re: Municipal-Industrial Strategy for Abatement (MISA)

This will acknowledge receipt of your letter of July 14, 1986 with which you provided a copy of the Ontario Government's White Paper entitled "Municipal - Industrial Strategy for Abatement (MISA)". I note that you are inviting municipalities to comment on the White Paper directly to the Minister's office before August 24, 1986.

The Town of Richmond Hill is currently reviewing the White Paper and expect to be able to comment on its contents. However, we will be unable to meet your August 24 deadline as we have no further Council meetings scheduled during the Summer of 1986. We will, however, provide our comments to you as soon as we possibly can.

Yours very truly,

C. D. Weldon,
Chief Administrative Officer

CDW:dlm

cc: B. Toporowski,
Commissioner of Works

RECEIVED
JUL 28 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY OF KANATA

CITY OF KANATA
150 KATIMAVIK ROAD, KANATA, ONTARIO K2L 2N3 TELEPHONE (613) 592-4281

August 11, 1986

Mr. P.J. Crabtree,
Assistant Director,
Water Resources Branch,
Ministry of the Environment,
135 St. Clair Avenue, West,
Suite 100,
Toronto, Ontario.

Dear Mr. Crabtree:

Re: MISA - Ontario Government White Paper

This is to advise you that at a meeting of City Council held August 5, 1986, the above-noted document was referred for review to the Director of Planning and the City Engineer.

Any enquiries on this matter may be referred to Mr. Krajaefski of Planning or Mr. Harkness of Engineering.

Yours sincerely,

M. Meikle

Maureen Meikle, AMCT(A)
Deputy City Clerk

c.c. J. Harkness
D. Krajaefski

RECEIVED
AUG 18 1986
MINISTRY OF THE ENVIRONMENT
CONTAINS RECYCLED DE-INKED FIBRE

ASSOCIATION OF ONTARIO MUNICIPALITIES

AMO

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

August 20, 1986

The Honourable James Bradley
Minister of the Environment
Suite 100
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Minister:

The Association of Municipalities of Ontario was pleased to receive the Ministry's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)" and to note the government's concern for the amount of toxic chemicals in the waterways.

AMO was also pleased to note the government's interest in the Association's response to the White Paper and our input into the proposed new regulations.

The Association's Committee meetings, however, recess during the summer months and as such, we have not had the opportunity to review the White Paper. Since AMO will not be able to comment within the 60-day period following the release of the White Paper, we would ask the Minister for an extension until September 30th to respond.

We look forward to your response.

Yours truly,

C. Millar

Claudette Millar
President, AMO

hb:ch

RECEIVED
AUG 28 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

ASSISTANT DEPUTY MINISTER
TO: WRB Director
AUG 23 1986
Reply
FOR YOUR INFO
DATE: 01-27
D. BALSILLIE

D. BALSILLIE AUG 25 1986
08M2520
LOG #

- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ Minister
- ☐ Return with
- ☐ Background
- ☐ Comments
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: SEPT 15/86

M.I.S.A. — GERRETSEN P. Sexton

AMO

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

September 23, 1986

D. Balsillie SEP 26 1986
09M2612
LOG #

☐ For your information ☒ Please reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Please answer if important
☐ Comments ☐ Issue a reply for Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: Oct 17/86

The Honourable James Bradley
Minister of the Environment
Suite 100
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Minister:

The Association of Municipalities of Ontario is currently reviewing the Ministry of the Environment's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)" and provides the following preliminary comments.

- As indicated in a previous letter, the Association is concerned with the 60 day timeframe for response to the White Paper considering its wide-spread impact to the municipal sector. While the Association can appreciate the government's commitment to commencing the process of implementing MISA, we also appreciate this government's commitment to involving the public and an Association such as ours, in the development of policies. In that respect, AMO feels that the municipal sector requires more than the allotted 60 days for comment on the White Paper. Our initial concerns are presented in this letter and a more detailed response will be forwarded in November, after comprehensive review.

- The Association was pleased to be included in the committee structure of the Pre-Regulation Monitoring Program. We have not otherwise been informed of our participation on this joint Ministry of the Environment/Industry/AMO/Environment Canada/Public Advisory Committee and would appreciate information concerning timing of the committee meeting, its function, appointments, and its role in the overall consultation process.

- With regard to the content of the White Paper, the Association is concerned about the economic ramifications of implementing the strategy. Additional costs will be encountered for all stages of MISA, but particularly: the requirement for the municipal sector to monitor for toxic contaminants, including the costs of laboratory analysis;

.../2

and the implementation of the best available technology to abate discharges at source. In addition, stiffer fines which are proposed in Bill 112: An Act Respecting the Enforcement of Statutes Related to the Environment (First Reading - July 3, 1986), which will apply to violations under the MISA strategy, could have severe economic implications for municipalities, especially if there is a lag between the implementation of the "best available technology", and the enforcement of effluent limit regulations.

- The White Paper speaks of direct dischargers and municipal dischargers. Although it is stated that industries discharging into the municipal sewer system will be controlled, they do not appear to be included in the pre-regulation monitoring phase. Municipalities need to know how the Ministry intends to deal with industrial dischargers into the municipal system or if in fact the Ministry intends to leave the responsibility to the municipalities. If the intention is the latter, an onerous burden will be placed on municipalities in terms of time and costs in monitoring indirect industrial discharges. If it is intended that municipalities be responsible (i.e. liability and fines) for all contaminants into the municipal sewer system, will they also be responsible for illegal discharges into the system?

Our final concern relates to the MISA program in its entirety. Although the White Paper provides a general description of the strategy, municipalities will require more detailed information on the proposal in consideration of the serious legal and financial responsibilities that will be placed upon them. Hopefully, an education/information program is being planned by the government to better inform all sectors of these future initiatives.

We look forward to your response.

Yours truly,

John Gerretsen
President, AMO

hb/ch

cc: The Honourable Bernard Grandmaitre
Minister of Municipal Affairs

Susan Fish
PC Environment Critic

Ruth Grier
NDP Environment Critic

M.I.S.A. - GERRETSEN WRB

AMO

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

D. Baillie NOV 20 1986
11M2029

COMMENTS:
J. Bishop DEC 11/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

November 17, 1986

The Honourable James Bradley
Minister of the Environment
Suite 100
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Minister:

With respect to Bill 112, An Act Respecting the Enforcement of Statutes Related to the Environment, the AMO Board of Directors endorsed the motion that:

> **"The Association of Municipalities of Ontario is unalterably opposed to the proclamation of those parts of Bill 112 relating to discharges from municipal sewage treatment plants and facilities until such time as the financial implications of these changes have been fully evaluated and realistic cost-sharing arrangements have been put in place."**

The Association has also developed a detailed response to the Provincial Government's White Paper entitled Municipal Industrial Strategy for Abatement, which is being forwarded under separate cover. While AMO supports the intent of the government's wish to improve our environment, the Association, however, does have serious concerns with regard to the financial implications and municipal requirements of the MISA proposal and the related enforcement provisions proposed under Bill 112. AMO believes that the enforcement of pollution control standards for municipalities should be delayed until such time that the provincial financial commitment is confirmed.

We look forward to your response to our concerns.

Yours truly,

John Gerretsen
President, AMO

hb:ch

cc: The Honourable Bernard Grandmaitre, Minister of Municipal Affairs
The Honourable Robert Nixon, Treasurer of Ontario

M.I.S.A. - GERRETSEN

AMO WKRS

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

P. Arts

November 17, 1986

The Honourable James Bradley
Minister of the Environment
Suite 100
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Minister:

The Association of Municipalities of Ontario has reviewed the Provincial Government's White Paper entitled **Municipal Industrial Strategy for Abatement** and has developed a detailed response (attached).

We look forward to your comments on our concerns.

Yours truly,

John Gerretsen
President, AMO

hb:ch

cc: The Honourable Bernard Grandmaitre
Minister of Municipal Affairs

The Honourable Robert Nixon
Treasurer of Ontario

Attachment

D. BALSILLIE NOV 20 1986
11M2016
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

J. Bradley DEC 11/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

RESPONSE TO

THE PROVINCIAL GOVERNMENT'S WHITE PAPER

MUNICIPAL INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

as approved by the AMO Board of Directors
November 1986

RESPONSE TO
THE PROVINCIAL GOVERNMENT'S WHITE PAPER ENTITLED "MUNICIPAL INDUSTRIAL STRATEGY FOR ABATEMENT" (MISA)

BACKGROUND

In June, the Ministry of the Environment released a White Paper entitled "Municipal Industrial Strategy for Abatement (MISA)". The following is a synopsis of the Paper.

The goal of the Ministry is to reduce the flow of toxic chemicals into provincial waterways. It is intended that a new set of measures be designed to deal with persistent toxic chemicals to replace the out-of-date pollution control system now in place.

The goal will be to cap the total amount of each toxic contaminant from each polluter. This will require each direct discharger to meet standards attainable by the best available pollution abatement technology economically achievable (BAT).

In addition to reducing pollution from direct dischargers, MISA also seeks to cut contamination from the thousands of industries that discharge waste water into municipal sewer systems which, in turn, discharge into the waterways. Strict pollution control standards will be set for municipal sewage treatment plant effluent.

The MISA program will be implemented as follows:

1. Pre-regulation Phase:

   A pre-regulation consultation and monitoring phase will be conducted to provide data and information for the development of effective and practicable regulations for each sector. This phase requires the full participation of affected municipalities, industries and the public as the Ministry administers preliminary effluent monitoring programs. This phase will provide a wide range of information such as: the location of monitoring points; understanding of the plant processes; designation of substances to be tested; frequency of monitoring and sampling; etc. This will be accomplished through the work of technical committees comprised of the Ministry of the Environment, Environment Canada, and respective sector representatives. The municipal sector will be represented by the Municipal Engineers Association of Ontario. The technical committees will

supervise the work of consultants engaged at the expense of the respective industries for the pre-regulation monitory program, make recommendations regarding the program, and advise on the content of the monitory regulation. It is anticipated that the committee will also advise on the development of the effluent limits regulations.

2. Monitoring Regulations:

When the pre-regulation monitoring period for a given sector has been completed, a monitoring regulation will be promulgated for that sector. Monitoring regulations will require direct dischargers in eight major industrial sectors and the municipal sector to monitor for toxic contaminants. These regulations will be phased in on a sector basis and will be completed within two years. The regulations will require industries and municipalities to monitor their own discharges.

3. Effluent Limits Regulations:

BAT effluent limits regulations will follow monitoring regulations within nine to twelve months. Regulations will be based on pollution data that is collected and the available pollution control technology.

4. Abatement and Enforcement:

The Ministry will strengthen existing abatement and enforcement.

Under the Ontario Water Resources Act and the Environment Protection Act, the Ministry can control the discharge of contaminants that may impair the quality of water on the environment.

In addition:

a. stiffer fines for violations of environmental laws are being proposed (Bill 112);

b. effluent limits regulations will outline specific abatement responsibilities and include steps to be followed when violations occur;

c. existing control documents will be revised to be compatible with the effluent limits regulation;

d. control of industries discharging to municipal sewer systems will be reinforced; they may be required to pre-treat their waste water at source.

5. Sequence and Timing:

The monitoring and effluent limits regulations will be phased in over a three-year period for the industrial sectors and, by the end of 1989, for the municipal sector.

6. Public Participation:

Municipalities, industry, the public and interest groups will all participate in the development of the MISA program. The public will have complete access to data on contaminant discharges to surface waters and on the effluent limits set for all dischargers.

CONCERNS

The Association of Municipalities of Ontario has reviewed the Provincial Government's White Paper entitled "Municipal-Industrial Strategy for Abatement" (MISA) and provides the following comments.

Association's Participation on the Advisory Committee

The Association of Municipalities of Ontario was pleased to note their inclusion in the Pre-Regulation Monitoring Program Committee Structure as indicated in the White Paper (p.20). The Association has not, however, been otherwise notified of their role on the Committee. In reading the White Paper, municipalities have been assured that AMO is involved in the consultative process as indicated in the chart.

Since the pre-regulation phase has already been initiated and since the proposed strategy will have profound effects on municipalities, AMO requests that the Minister of the Environment provide specific details of the consultative process, such as the structure of the committee, its mandate, appointments, time frame and number of expected meetings, as soon as possible.

Indirect Discharges into the Municipal System

The White Paper speaks of **direct** and **municipal** dischargers. It appears, from the White Paper, that the responsibility of those industries which discharge into a municipal sewage system will be left to the municipality.

The Association is concerned about this responsibility as it is not economically feasible for municipalities to monitor indirect dischargers. According to the White Paper, it is estimated that while 300 industries discharge directly into the waterways, some 12,000 industries discharge into municipal sewer systems. This sewage is then treated by 400 municipal treatment plants. In the event of a toxic discharge into the treatment plant, municipalities would have to attempt to trace the contaminant back to its source. In the interim, municipalities would be subject to fines of up to $50,000 for the discharge as proposed under Bill 112. If the source of the discharge was located, municipalities could take action against the perpetrator and all that would be lost, in the long run, would be the time involved in tracing the contaminant and prosecuting the offender. It is quite likely, however, that the source of the contaminant would not be traced and the municipality would remain liable, especially in instances where toxins were illegally dumped into the system.

In addition to the problems associated with tracing the contaminant to its source, is the concern that municipal sewage treatment plants are not currently designed to treat industrial wastes. According to the Ministry of the Environment study conducted in 1984, A Survey and Evaluation of Organic Compounds in Nine Sewage Treatment Plant Effluents in Southern Ontario, there are approximately 270 different chemical pollutants flowing through municipal plants into the waterways, not including metals, PCBs or pesticides. Some municipalities are currently capable of treatment for household chemicals (pine oils, ammonia, disinfectants, etc.) but none have monitoring or treatment capabilities for organic toxins such as dioxins, PCBs and chlorinated benzenes which the White Paper refers to as hazardous pollutants.

> **Since many of the pollutants which enter a municipal sewage treatment plant are from an industrial source, AMO recommends that all industries, including those that discharge into municipal systems be required to monitor their own discharges and pre-treat wastes at source.**

Financial Impact

While the basic proposal for MISA is a good one and the provincial government should be commended for their initiatives to improve the quality of the environment, it appears that the costs involved in implementing the MISA proposal will be high. Additional costs for municipalities will be encountered for all stages of MISA but particularly:

1. the requirement for the municipal sector to monitor for and abate toxic contaminants;

2. laboratory analysis;

3. implementation of the best available technology economically achievable, to abate discharges at source.

Monitoring Requirements

Since municipalities do not currently possess the capabilities to effectively monitor for, nor abate toxic contaminants, as indicated in the previous concerns, a large financial burden will be placed upon them in terms of staffing, laboratory costs and the acquisition of technical expertise.

In a recent presentation (September 16, 1986) to the 1986 National/ Provincial Education Conference, the Canadian Institute of Public Health Inspectors, the Honourable James Bradley stated that, with regard to MISA, the municipal call for financial support from the Province merits consideration.

In an earlier address to the Ontario chapter of the American Public Works Association (January 17, 1986), the Honourable James Bradley demanded federal funds for water and sewage projects, stating that: "Some of Ontario's municipal water and sewage systems are already showing warning signs of deterioration. Ontario's aging systems have made preventive maintenance and rehabilitation the top funding priority. However, we are looking at a multi-million dollar price-tag. Federal assistance is not only essential, it is an obligation".

This statement was made prior to the provincial government's announcement of the MISA proposal. Even if municipal sewage treatment plants were currently at a provincial standard, the MISA proposal would cost municipalities millions of dollars. However, as the Minister of the Environment stated, "necessary rehabilitation work to Canadian munici-

pal sewage and water supply systems will cost tens of billions of dollars."

The Association is in agreement with the Honourable James Bradley's statements that rehabilitation of Ontario's sewage treatment systems require federal funding and that the municipal call for financial support from the Province and the federal government, with respect to MISA, is essential. The Association therefore recommends that the Province assist municipalities financially in all stages of the strategy and that the enforcement of pollution control standards for municipalities be extended until such time that the provincial financial commitment is confirmed.

Best Available Technology Economically Achievable

The thrust of the MISA proposal with regard to establishing discharge standards relies on the implementation of the best available technology that is **economically achievable** (BAT). While the best available technology **economically achievable** is eluded to in the introduction to the paper, the last two words of the acronym (BAT), do not appear to be considered in the remainder of the White Paper.

While it is difficult to outline the best available technology before studies have been conducted to determine need, the Association recommends that the the key words, "economically achievable", not be lost when determining the technology that will be required to abate contaminants.

Laboratory Costs

The proposed monitoring regulations will require direct dischargers and municipalities to monitor for toxic contaminants by monitoring their own discharges. Accuracy will be ensured in three ways:

1. requirements for the discharger to follow established sampling procedures, flow measurement procedures, and laboratory analytical procedures;

2. requirements for a quality-assurance and quality-control program to be followed by the discharger's laboratory and checked by the Ministry's laboratory; and

3. additional audit samples to be randomly collected by the Ministry and analyzed in its laboratory to verify that the samples collected by the discharger are representative.

The second requirement will place a greater demand on laboratory services in an industry where supply is currently limited. Since many municipalities will not be able to afford to establish their own lab, it is likely that the analysis will have to be conducted through private labs. Presently, the costs involved in analyzing one sample is approximately $3,000 with a turn around time for results, approximately three to four weeks. It is likely that laboratory costs will escalate and the time required to conduct an analysis will increase.

The Association recommends that provincially-run, regional labs be established. It is felt that many problems, including problems of quality control and assurance, would be alleviated if a regional-provincial lab system was established.

Bordering Jurisdictions

Although the Association is pleased with the government's initiative to clean-up the Ontario environment, it must be realized that there are costs involved. If such stringent regulations are promulgated for Ontario, bordering areas such as the United States, Manitoba and Quebec will have a comparative advantage for industry since the costs of protecting the environment in Ontario will be included in the costs of manufacturing.

AMO is concerned about the economic impact of the proposal on industries located or wishing to locate in Ontario and believes that the Province should try to negotiate the implementation of similar regulations in bordering areas or, alternatively, realize the economic disadvantage they will be placing on Ontario's industries and assist them.

Effluent Limits

The Ministry has proposed two approaches for setting effluent limits:

1. BAT

The first approach will develop regulations which will set effluent limits for the major industrial sectors and the municipal sector

based on the use of the best available technology economically achievable for each sector.

2. Water Quality Impact Approach

Dischargers will be required to carry out receiving water assessments to evaluate the water quality impacts of the various toxic contaminant levels in their effluents. Effluent limits will then be set to protect water quality at the site.

With regard to the Water Quality Impact Approach, the Ministry of the Environment has, in the past, undertaken stream standard studies. Once such study, conducted on the Grand River in the late 1970s, cost millions of dollars. This type of a study requires an agent to analyze, not only the localized impact of municipal and industrial wastes in a watercourse, but also the upstream and downstream impact of the wastes from adjacent municipalities and industries. The impacts on the entire watercourse are therefore accumulative and interactive, and would be too onerous a task for municipalities to undertake.

Since the requirements of the Water Quality Impact Approach would be an onerous task for municipalities, AMO recommends that the provincial government assume responsibility for these studies as it has done in the past.

Federal and Provincial Operations

The White Paper speaks of industrial dischargers and municipal dischargers and the establishment of regulations to abate contaminants for those sectors. No mention is made, however, for federal or provincial operations. Currently, 202 of the 403 municipal sewage treatment plants are operated, under contract by the Ministry of the Environment.

The Association recommends that the federal and provincial governments be subject to the same stringent regulations as are proposed for the industrial and municipal sectors.

CONCLUSION

The Association of Municipalities of Ontario is pleased with the government's efforts to improve the quality of the environment and, in principle, agrees with the proposed strategy as outlined in the White Paper.

While AMO understands that the proposal does not provide administrative details of how the government intends to implement the process, we would appreciate detailed schedules of the phases when they become available.

The Association looks forward to the government's response to our concerns as well as working on the Joint Ministry of the Environment/ Industry/AMO/Environment Canada, Public Advisory Committee.

SUMMARY OF RECOMMENDATIONS

1. Since the pre-regulation phase has already been initiated and since the proposed strategy will have profound effects on municipalities, AMO requests that the Minister of the Environment provide specific details of the consultative process, such as the structure of the committee, its mandate, appointments, time frame and number of expected meetings, as soon as possible.

2. Since many of the pollutants which enter a municipal sewage treatment plant are from an industrial source, AMO recommends that all industries, including those that discharge into municipal systems be required to monitor their own discharges and pre-treat wastes at source.

3. The Association is in agreement with the Honourable James Bradley's statements that rehabilitation of Ontario's sewage treatment systems require federal funding and that the municipal call for financial support from the Province and the federal government, with respect to MISA, is essential. The Association therefore recommends that the Province assist municipalities financially in all stages of the strategy and that the enforcement of pollution control standards for municipalities be extended until such time that the provincial financial commitment is confirmed.

4. While it is difficult to outline the best available technology before studies have been conducted to determine need, the Association recommends that the the key words, "economically achievable", not be lost when determining the technology that will be required to abate contaminants.

5. The Association recommends that provincially-run, regional labs be established. It is felt that many problems, including problems of quality control and assurance, would be alleviated if a regional-provincial lab system was established.

6. AMO is concerned about the economic impact of the proposal on industries located or wishing to locate in Ontario and believes that the Province should try to negotiate the implementation of similar

regulations in bordering areas or, alternatively, realize the economic disadvantage they will be placing on Ontario's industries and assist them.

7. Since the requirements of the Water Quality Impact Approach would be an onerous task for municipalities, AMO recommends that the provincial government assume responsibility for these studies as it has done in the past.

8. The Association recommends that the federal and provincial governments be subject to the same stringent regulations as are proposed for the industrial and municipal sectors.

APPENDIX

The response to the provincial government's White Paper entitled **Municipal Industrial Strategy for Abatement (MISA)** was prepared in consultation with:

1. **Lou Romano**
   Director of Pollution Control, City of Windsor
   Member of the Municipal Engineers Association

2. **Jerry Desjardin**
   Director of Planning, Control and Development, Metropolitan Toronto
   Member of the Municipal Engineers Association

3. **Walter Coulter**
   Engineer, City of Chatham
   Member of the Municipal Engineers Association

4. **Jim Coughlin**
   Director of Planning, City of St. Catharines
   Co-Chairman, AMO Municipal Development Committee

5. **Albert Bouwers**
   Mayor, Township of Osgoode
   Co-Chairman, AMO Municipal Development Committee

CITY OF SARNIA

CITY OF SARNIA
ONTARIO, CANADA

(519) 332-0330
CITY HALL
ONTARIO, CANADA
N7T 7N2

August 26, 1986.

Ontario Ministry of the Environment,
135 St. Clair Ave. West,
Suite 100,
Toronto, Ontario.
M4V 1P5

Attention: Mr. P. Crabtree, P.Eng.,
Assistant Director,
Water Resources Branch

Dear Sir:

RE: COMMENTS ON M.I.S.A. PROGRAM

Please find attached a resolution of City Council directing staff to forward a copy of the Acting Commissioner of Works' comments of the M.O.E.'s M.I.S.A. Program.

Accompanying the resolution is a copy of the report to Council for your perusal.

Should you have any questions, or comments, please call.

Yours truly,

James J. Kutyba, P.Eng.,
Director of Operations &
Special Projects.

JJK/cc

cc: D. A. Patterson
A. Tuplin

AUG 28 1986
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY OF SARNIA
ONTARIO, CANADA

(519) 332-0330
CITY HALL
ONTARIO, CANADA
N7T 7N2

August 20th, 1986

Mr. J. Kutyba
Engineering Department
City Hall
Sarnia, Ontario

Dear Mr. Kutyba:

Re: Comments on the M.O.E.'s New Pollution Control Strategy (M.I.S.A.)

Sarnia City Council, at its meeting held on August 18th, 1986, considered the attached correspondence from the Acting Commissioner of Works, dated August 14th, 1986, and the following resolution was adopted:

> "THAT, with respect to the Ministry of the Environment's new Pollution Control Strategy (M.I.S.A.), Sarnia City Council direct staff to forward the comments contained in the letter from the Acting Commissioner of Works, dated August 14, 1986, to the M.O.E."

I understand that you will carry out the necessary correspondence with the Ministry of the Environment.

Yours truly,

Ann Tuplin
City Clerk

:TLT
Attch.

Copy to: J. C. Robertson
D. A. Patterson

9. AUG 18 1986

DEPARTMENT CORRESPONDENCE

The only Reason you and I are here is to Help the People of this City.

To Mr. J. C. Robertson
City Manager

Date August 14, 1986.

From Mr. D. A. Patterson
Acting Commissioner of Works

RE: COMMENTS ON THE M.O.E.'S NEW POLLUTION CONTROL STRATEGY (M.I.S.A.)

AIM

To present to Council brief comments from the City's point of view on the new M.I.S.A. programme.

M.I.S.A. (Municipal-Industrial Strategy for Abatement) is a new initiative by the Ontario Government to control toxic substances in municipal and industrial discharges.

Scientific technology is progressing so rapidly in the field of measuring these minute trace contaminants that there is no general agreement yet about the effect these traces may or may not have on plant and animal life including the human species.

Changes were overdue to the existing pollution standards as new knowledge became available but the approach taken by the Ontario Government appears to be a panic sort of reaction to the new measurement capabilities.

A usefull interim step would have been to up-date the existing pollution standards by adding the new substances of concern and setting new limits for all parameters in accordance with the technology now available. This would probably have given a quicker and more easily understood start into this programme.

The approach taken by the Government of Ontario includes a number of new dimensions which are as yet untried. One of these is to require that discharges (Municipalities and Companies) taken extensive tests of their own effluent and receiving waters. Another is to set a cap on total discharge volumes rather than by concentration of the effluent.

Another new initiative is to require dischargers to treat their effluent streams with the Best Available Technology (B.A.T.) which is financially feasible in the opinion of the M.O.E.

These new initiatives and other aspects of the M.I.S.A. programme will mean a huge increase in the regulatory activities of the M.O.E. which involve municipalities and industries. Significantly, there is no mention whatsoever of the cost, delay and red tape aspects of the regulations on those organizations affected.

... 2

CITY OF SARNIA
AUG 1
CITY MANAGER

It is likely that the M.O.E. would have to be noticeably expanded to handle this programme in addition to the increases expected in the organizations being regulated. There is provision for consultation with affected parties which is valuable since a large number of practical considerations will have to be worked out. It will take some time before the new initiatives in this programme are working smoothly in actual practice.

RECOMMENDATION

That, if Council is in agreement, the above comments be forwarded to the M.O.E.

D.A. Patterson

DAP/cc

cc: A. Tuplin

TOWN OF COBOURG

THE CORPORATION OF THE TOWN OF COBOURG

VICTORIA HALL
55 KING STREET WEST
COBOURG, ONTARIO
K9A 2M2

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

~~(416) 372-2288~~
(416) 372-4301

File No. 206-5

August 21, 1986.

Mr. P. J. Crabtree,
Assistant Director,
Water Resources Branch,
Ministry of the Environment,
135 St. Clair Avenue, West,
Suite 100,
Toronto, Ontario.
M4V 1P5.

Dear Sir:

Thank you for the opportunity to review the White Paper entitled "Municipal-Industrial Strategy for Abatement". We are pleased to endorse the proposed program controlling municipal and industrial discharges into surface waters, however, there may be a financial burden on smaller municipalities to implement the program; therefore, it is respectfully submitted that your Ministry or another Ministry of the Province, make funds available to municipalities for improving sewage treatment facilities or whatever action is required for the implementation of the program.

We will be pleased to submit additional information if required.

Once again, please accept our thanks for the opportunity to comment on your proposal.

Yours very truly,

B. W. Baxter,
Chief Administrative Officer.

BWB/nem

RECEIVED
AUG 28 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY OF WINDSOR

M.I.S.A. - LYND

THE CORPORATION OF THE

CITY OF WINDSOR

Ple phone reply

THOMAS W. LYND, A.M.C.T.
CITY CLERK

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

PHONE: (519) 255-6212
255-6215

OFFICE OF THE CLERK

IN REPLY, PLEASE REFER
TO OUR FILE No. MNP-G/86

August 25, 1986

Honourable James R. Bradley, Minister
Ministry of the Environment
135 St. Clair Avenue West
TORONTO, Ontario
M4V 1P5

Dear Sir:

Re: Municipal Industrial Strategy for Abatement (M.I.S.A.)

Council at its meeting held on August 18, 1986, adopted the attached resolution concerning the noted matter.

You are commended for your efforts in providing leadership and initiative in the thrust of the M.I.S.A. study. Your support in the implementation of the recommendations affecting municipalities is appreciated. I would appreciate your earliest reply in respect to the request for an extension of the deadline date for comments to September 30, 1986.

Yours very truly

Thomas W. Lynd
City Clerk

MQ/eh
Attach.

D. BALSILLIE — AUG 28 1986
J. Bradley WRB — 08M28819
LOG #

- [ ] For your information
- [x] Prepare reply for signature by
- [ ] Reply direct and return a copy
- [ ] Minister
- [ ] Return with
- [ ] Background
- [ ] Parliamentary Assistant
- [ ] Comments
- [ ] Deputy Minister
- [ ] Associate Deputy Minister
- [ ] Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: SEPT 18/86

URGENT! ABSTRACT TO: MO - SPECIAL LETTER TO MINISTER OF ENVIRONMENT.
AMO, ENVIRONMENT CANADA

August 22, 1986

MNP-G/86 mo 8

The Honourable J. W. Kells
Minister of Works

Mr. Rick Coronado, Chairperson
Windsor-Essex Water Quality Liaison Committee
8065 Molnar
WINDSOR, Ontario N8R 2A5

The following resolution was adopted by Council at its meeting held on: August 18, 1986.

1051/86 That the Provincial Minister of the Environment BE COMMENDED for the initiative in instituting the thrust of the Municipal-Industrial Strategy for Abatement (MISA), aimed at reducing the flow of toxic chemicals into the Provincial waterways, and that the Minister of the Environment (Ontario) BE REQUESTED to provide financial assistance to municipalities in carrying out some of the aspects of MISA, as the financial burdens appear heavy as follows:

(a) That all industries, including those discharging into municipal sewerage systems, be required to have their effluents monitored, as is proposed for direct dischargers as this would permit not only the municipalities to be aware of and to control what they might be accepting in their sewage, but would give the Province a much better knowledge of the toxic pollutant sources in the Province and this requirement could save municipalities considerable funds and assist in pinpointing and correcting the potential problem quicker;

(b) All industries discharging into a municipal sewerage system who are found to be discharging organic toxic waste be required to pretreat their wastewater at the source. The basis here is that the polluters must pay, not the municipality at large, nor other industries not discharging toxic waste as this could save the municipality millions of dollars in an attempt to upgrade the sewage treatment plants in an attempt to reduce the impact of the organic toxic waste put into the sewerage system. This usually is an inefficient expenditure of funds and often results in the toxic compounds being passed on into the surrounding environment;

(c) That the Ministry of the Environment be requested to assume the control and the costs of undertaking water quality impact studies (receiving-water assessments) from municipal sewerage discharges as it is felt that this is reasonable because municipal discharges (sewage treatment plants and combined sewer overflows) involve not only toxics but biological loadings. Often there is an accumulative effect or interaction on a receiving stream between municipalities. The scope of these receiving-water assessments must be broad and all encompassing. The responsibility of the Great Lakes or a major river, such as the Thames, is that of the Province, and it is felt that the cost of municipal receiving-water assessments should be borne by the Province;

(d) That the regional Ministry of the Environment laboratories be expanded to handle "public" or municipal wastewater analysis. The area municipalities could cost-share in the annual operating costs of these laboratories. This would result in reduced analytical costs for the municipalities; and both the Ministry of the Environment (Ontario) and municipalities would be saved the extra cost of dual sampling and random testing for verification;

and further, since the Association of Municipalities of Ontario will be the unified voice of municipalities, sufficient time BE GIVEN to the Association of Municipalities of Ontario to communicate to its members, and as the sixty day written comment period is too short, the Minister BE REQUESTED to allow a closing date of September 30, 1986 for the receipt of written comments on MISA; and that the Minister directly and through the Federal Government impress on the adjacent Great Lakes Border States and other Canadian Provinces to follow the stringent effluent limits that will be laid down in Ontario.

M.I.S.A. - WINDSOR - QUAGLIA

THE CORPORATION OF THE

CITY OF WINDSOR

THOMAS W. LYND, A.M.C.T.
CITY CLERK

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

PHONE: (519) 255-6212
255-6215

OFFICE OF THE CLERK

TO: WCP
Attn: D. Bolsillie
IN REPLY, PLEASE REFER TO OUR FILE No.
Reply for Minister's sig.
Reply for D.M.'s signature
Reply my signature
Action requested
Handle at Branch
FOR YOUR INFO.
DATE: 09-04
D. BOLSILLIE

September 2, 1986

Honourable James R. Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Honourable Sir:

Attached hereto is my Committee's comments on your Ministry's Municipal-Industrial Strategy for Abatement.

The Council of the Corporation of the City of Windsor endorsed this brief at its meeting held August 18, 1986. Also attached are the names of the members of the Windsor-Essex County Water Quality Liaison Committee.

Yours very truly

Maria Quaglia

Secretary
Windsor-Essex County Water Quality Liaison Committee

MQ/pjp
attach

D Bolsillie SEP 5 1986
0940517
LOG #

- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with ☐ Background ☐ Comments
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: Sept 24/86

DATE: August 28, 1986

REPORT TO: Mayor David Burr and City Council

FROM: Windsor-Essex Water Quality Liaison Committee

RE: Comments on Ontario Ministry of the Environment's Municipal - Industrial Strategy for Abatement

---

INTRODUCTION:

The 1978 Great Lakes Water Quality Agreement for toxic substances had three objectives:

(i) The control of toxic substances entering lakes;

(ii) The restoration of the Great Lakes ecosystem and its protection from these substances;

(iii) The development of programs and technologies necessary to eliminate or reduce discharge of pollutants into the Great Lakes system.

The Windsor-Essex Water Quality Liaison Committee(Liaison Committee) believes that the MOE's Municipal - Industrial Strategy For Abatement (MISA) is a start in the right direction on two of these objectives, controls and the development of programs to reduce discharge of toxic pollutants. The MISA program does not appear to contain any programs for restoration and protection based on the general goal of zero discharge. It is hoped that during the Advisory Committee stage these concerns will be addressed.

SPECIFIC COMMENTS:

1. The MISA report does not contain any consideration of septic tank contamination of waterways such as Windsor's Grand Marais drain in South Windsor and the flow of raw sewage into Turkey Creek and eventually into the Detroit River which becomes a problem for downriver communities such as Amherstburg. This is a violation of the 1978 Water Quality Agreement with the United States. Despite good intentions both Countries seem not to consider the goal of Total elimination of toxic and municipal discharges into boundary waters as practicable.

2. The MISA report does not deal with air pollution problems and the Liaison Committee recommends that Ontario Regulation 308 for air quality managment, which is currently being revised by the Ministry of the Environment, be included in the general development of the MISA report possibly at the Advisory Committee stage.

3. The Liaison Committee recommends that a sixth component of the MISA program involve the USA - bordering states and the Province of Quebec. In Windsor this could mean a consultation stage with groups in Detroit and surrounding communities who share the same concerns for a toxic free waterway. The MISA program should encourage standardized methods of environmental management and the handling of hazardous wastes and their disposal.

4. Employees of companies who violate spill regulations or discharge safeguards should be allowed to report these violations without facing punitive consequences. This could possibly be accomplished by creating joint company-union environmental Councils similar to Occupational Safety and Health Committees to deal with pollution at the plant level.

...2

5. The Liaison Committee believes that fines for violations and unreported spills should reflect the severity of the situation and its consequences on the health of the waterway and the public. In February Dow Chemical was fined $16,000 for a perchloroethylene spill. This was based on the fact that according to the Judge, perchloroethylene was a product not a waste material. The Liaison Committee recommends that the Environmental Protection Act be revised to include all spills as hazardous whether product or waste. In other words the Water Resources Act is not severe enough to deal with these spills and should be amalgamated with the Environmental Protection Act in future occurrences.

6. The MISA proposal for monitoring and effluent limit regulations being designed to the best available technology (BAT) is a good idea in the opinion of the Liaison Committee. However, debates could ensue on just what is the best technology for a given purpose and what is economically achievable. Hopefully, these issues can be resolved at the Committee level within the framework of public input. It is imperative that the Committees set up by MOE include and be open to the public. This is considered imperative considering the substantial amount of taxpayer's money that will be going into the development of MISA and taking into consideration that the public has been subsidizing environmental pollution from corporate dischargers for years.

7. The MISA program deals mainly with 200-300 direct dischargers. However, there are thousands of non-point sources of water contamination from waste dumps which pose a problem which should be addressed and a program of remedial action should be initiated in conjunction with the MISA program.

8. The Liaison Committee recommends that the compulsory testing provisions of the 1976 Environmental Contaminants Act be invoked, if not by the Federal Government then the Provincial Ministry of Environment and the Ministry of Health. Both the MOE and the MOH could be involved in the enforcement of a provincial contaminants act to be used as an early warning system on the toxicity of new chemicals. As a society we are introducing at least 1000 new chemicals every year into the market place and it is inevitable that some of these chemicals will find their way into the air, water and land and ultimately the human population as well.

9. There is no doubt that industries are concerned about the cost of implementing the MISA program. There is always the fear that, in the words of some industry officials, MISA will produce a sort of overkill and prove to be economically untenable. Consequently, some industries could reduce their development in Ontario or even in an extreme case move out of the province to an area that is less environmentally sensitive. In order to overcome this concern there are many assistance programs that could be implemented to help certain industries install the approved abatement equipment. Also further discussion with industry during the pre-regulation stage will uncover future problems.

10. To obtain public support, the Liaison Committee suggests that Ontario Companies affix their products with stickers indicating the degree of compliance with provincial regulations. This could help to remove economic advantages for companies in moving to other areas. Also an environmental assessment tax could be introduced to rate all products in Ontario for their level of compliance. A higher tax could be incurred for less compliance and virtually none for full compliance.

11. The Liaison Committee is concerned that there are water drinking standards for only a small number of organic toxic substances and recommends the expansion of these standards to cover those found in the Great Lakes system. These standards are not at present legally enforceable and the Liaison Committee recommends legislation that will set legally enforceable standards for drinking water contaminants to protect public health.

...3

12. The Liaison Committee recommends that all studies on the cost-effectiveness of the MISA program include the long-term economic benefits of the full implementation of this program. Examples of the long-term benefits, not including the most obvious one of public health are the proliferation and expansion of private testing facilities to meet the dual testing nature of the MISA program. Doubtless, new industrial installations will come on stream, such as those developed by the Steel Company of Canada at Nanticoke. This installation includes closed-loop systems and use pretested, nontoxic chemicals, thereby minimizing the need for industrial waste treatment. Virtually any water source can be processed and made suitable for drinking purposes. However, the more contaminated the supply the greater the treatment cost and risk to public health.

13. The MISA program will deal with 400 Municipal sewage treatment plants handling waste water from some 11,000 industries, which could become the major source of water pollution in coming years. The Liaison Committee recommends that the MISA program set BAT standards for the pretreatment of wastes prior to discharge to sewers. In the long term it should be the policy of the MISA program to virtually eliminate the discharge of industrial wastes through the municipal sewer system. Contaminated sludge is another concern that the MISA program should address.

CONCLUSION:

In conclusion the Liaison Committee believes that the MISA program is a good start and with public support and involvement it is hoped that long-term solutions to pollution in our industrial society can be achieved to benefit the health of the Great Lakes and surrounding population. There is substantial evidence that human populations living in the Great Lakes basin are exposed to and accumulate more toxic chemical burden than people in other regions in North America. (The Great Lakes Water Quality Agreement 1985).

Yours Sincerely,

Rick Coronado, Chairperson
Windsor-Essex Water Quality
Liaison Committee

WINDSOR-ESSEX WATER QUALITY

LIAISON COMMITTEE

MAILING LIST - 1986

Dr. Phil Fioret *
Metro Windsor-Essex County
Health Unit
1005 Ouellette Avenue
Windsor, Ontario N9A 4J8

Dr. J. R. Jones
Metro Windsor-Essex County
Health Unit
1005 Ouellette Avenue
Windsor, Ontario N9A 4J8

Tom Hamilton *
539 Dalhousie Street
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Carl Davison
R.R.#2
Essex, Ontario
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Councillor Tom Porter *
2256 Victoria
Windsor, Ontario
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Kirk Windibank *
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NOR 1A0

Dr. Marie Sanderson
Great Lakes Institute
University of Windsor
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Rick Coronado *
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Windsor, Ontario
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Maggie Maier
203-3503 Sandwich Street
Windsor, Ontario N9C 1B6

Tom Ray *
Windsor Utilities Commission
787 Ouellette Avenue
Windsor, Ontario
N9A 5T7

J. D. Luyt *
Ministry of the Environment
250 Windsor Avenue - 6th Floor
Windsor, Ontario
N9A 6V9

K. Raudoja *
Ministry of the Environment
250 Windsor Avenue, 6th Floor
Windsor, Ontario
N9A 6V9

Mrs. Florence Maurice *
Deputy Reeve
Town of Belle River
217 Charron
Belle River, Ontario NOR 1A0

Dennis Dresser, President *
Essex Fish and Game Advisory
c/o Dresser's Sports Centre
Lakeview Marina
1715 Manning Road
Tecumseh, Ontario

CITY OF BURLINGTON

M.I.S.A: MacRae

The Corporation of the
City of Burlington

City Hall:
426 Brant Street, Burlington, Ontario, Canada
Mailing Address:
P.O. Box 5013, Burlington, Ontario, Canada L7R 3Z6

Telephone: 335-7697
760-04

MINISTRY OF ENVIRONMENT
AUG 29 1986
ASSISTANT DEPUTY MINISTER

D. BALSILLIE — AUG 27 1986
BISHOP — 08M2725
LOG #

☒ For your information — ☒ Prepare reply for signature by
☐ Reply direct and return a copy — ☐ Minister
☐ Return with — ☐ Background — ☐ Parliamentary Assistant
☐ Comments — ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE — REPLY BY:

August 26, 1986

Honourable Jim Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Sir:

SUBJECT: The Municipal - Industrial Strategy for Abatement (MISA)

The Council of the Corporation of the City of Burlington at its regular meeting held on August 25, 1986 considered the Government's White Paper entitled "Municipal - Industrial Strategy for Abatement".

The statement was given due consideration by the Environmental Management Committee and was directed by Council to be received and filed.

Thank you for keeping us informed.

Yours truly,

Helen MacRae, M.P.A.
CITY CLERK AND DIRECTOR OF
ADMINISTRATIVE SERVICES

/mbg

c.c. Mr. M. Boggs, Chief Administrative Officer
Mr. A. Ramsay, Environmental Management Co-ordinator
4709b

MOORE TOWNSHIP

MOORE township

CORPORATION OF THE TOWNSHIP OF MOORE

TELEPHONE NUMBERS

Brigden Office (519) 864-1036
Moore Sports Complex (519) 867-2651
Public Works Centre (519) 867-2993

MUNICIPAL OFFICE
P.O. Box 40, 1576 Main Street,
Brigden, Ontario N0N 1B0

August 26, 1986

Ministry of the Environment,
135 St. Clair Avenue West,
Suite 100,
Toronto, Ontario
M4V 1P5

Attention: Mr. P. J. Crabtree,
Assistant Director,
Water Resources Branch

Re: Municipal-Industrial Strategy for Abatement (MISA) White Paper

Dear Sir:

The Council of the Township of Moore wishes to advise the Ministry of the Environment that we are pleased to see the stand being taken by your Ministry to clean up the environment in Ontario. We support your stand but do have some areas of concern.

On Page 13 of the White Paper, you refer to the hiring of consultants by each sector at the expense of the respective industry for pre-regulation monitoring. Our question is, who will pay for these consultants and will financial assistance be available to municipalities for this purpose? Will the pre-regulation monitoring be required for all municipalities or a designated group?

On Page 15 you refer to plans for controlling spills and leaks. Our question is, how will sewage treatment plant overflows be handled? Will the municipality have to provide storage in order to eliminate overflows?

On Page 18, you refer to the implementation by the end of 1989 for the municipal sector. Will all sewage treatment plants in every municipality be affected by this date? Some municipal treatment plants and lagoon systems have virtually no industries tied into their systems. Will they be required to implement monitoring of their effluent? In a municipality such as ours, we have three municipal sewage treatment plants. Will water quality analysis be required for all three plants or say, for the largest plant only? Will water quality analysis be required for lagoon systems outletting into natural creeks?

...2

Ministry of the Environment,
Attn: Mr. P. J. Crabtree, Water Resources Branch

On Page 19, you refer to "effective and practicable monitoring and effluent limits". Our concern is the economic impact to local municipalities of these proposed testing procedures and is there not a duplication if the municipality has to make these tests as well as your Ministry? Will compensating grants be available to municipalities that have to do this monitoring?

We are pleased to see the formation of the Ontario/Canada Steering Committee for technical assistance and input from the Municipal Engineers' Association on these proposals.

On Page 23 and 48, you refer to industrial discharges which do not meet the regulations. Who will pay for tracking down industries which are not meeting the criteria? If the samples are taken at the sewage treatment plant outfall, it may be very difficult to determine the source of these discharges.

Another question that has arisen is, in our situation, we have three municipal sewage treatment operations, all operated by the Ministry of the Environment. Will the Ministry of the Environment carry out the receiving water sample analysis and the outfall sample analysis on behalf of the municipality and will some assistance be provided for the economic costs of these samples and tests?

Our main position is that we support your proposal but your Ministry should stick to the sample monitoring of the water outfalls and the receiving streams and the individual industries should monitor their effluents so as not to put a direct economic burden on the local taxpayers.

Another question that has arisen, is that with the suggestion of all this monitoring, are there sufficient laboratory facilities available for use by the public and private sector to carry out this program economically?

We submit these points for your consideration and look forward to an on-going dialogue with your Ministry as the regulations are prepared and this proposal is put into effect.

Submitted on behalf of the Corporation of the Township of Moore.

Yours truly,

R. H. Whitman, A.M.C.T.
Clerk

RHW/yg

c.c. C. S. Nisbet,
Reeve

R. W. Kerr,
Works Commissioner

CITY OF YORK

THE CORPORATION OF THE CITY OF YORK

2700 Eglinton Avenue West, Toronto, Ontario M6M 1V1 (416) 394-2507

THE OFFICE OF THE CLERK

In Reply Refer to Glenda Jagai
Telephone 394-2524

September 16, 1986

Hon. James Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Sir,

Re: Municipal-Industrial Strategy for Abatement (MISA)

I am attaching for the necessary attention, the appended Clause No. 10 of Report No. 13 of the Works and Parks Committee, as adopted without amendment by the Council of the City of York at its meeting held on September 8, 1986.

Yours very truly,

C. Rodrigo
Clerk

cc: Mr. P.J. Crabtree
Assistant Director
Water Resources Branch
Ministry of the Environment

Mr. F.J. Horgan
Commissioner
Metropolitan Works Department

CR:gj
Enc:

RECEIVED
SEP 19 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CLAUSE NO. 10 OF REPORT NO. 13 OF THE WORKS AND PARKS COMMITTEE, AS ADOPTED WITHOUT AMENDMENT, BY THE COUNCIL OF THE CITY OF YORK AT ITS MEETING HELD ON SEPTEMBER 8, 1986

---

10. MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

The Works and Parks Committee considered the following report from the Commissioner of Works (August 21, 1986):

"ORIGIN: Minister of the Environment

BACKGROUND:

The Clerk has received a communication dated July 14, 1986 from P.J. Crabtree, Assistant Director, Water Resources Branch, Ministry of the Environment, which transmits to the municipality a copy of A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters. The City is invited to review the White Paper and submit comments before August 24, 1986. A copy of Mr. Crabtree's letter is attached as Appendix I.

COMMENT:

The MISA White Paper describes the Ministry's new program to reduce the flow of toxic chemicals into Ontario waterways. The nature of the program is best derived from the Minister's Foreword which is attached hereto as Appendix II. A copy of the full report is available in the Office of the Clerk and the Commissioner of Works.

The Metropolitan Commissioner of Works has reported to the Metropolitan Executive Committee concerning the MISA White Paper and a copy of his report is attached as Appendix III.

Metro's position on this matter is quite significant because of its regional responsibility for the operation of trunk sewers and sewage treatment plants. The Commissioner's report provides a summary of the intended MISA program and expresses concerns about its perceived impact on the Metropolitan government. Those concerns particularly note that the frequent monitoring, sampling and testing that is the backbone of the program may not be feasible for lack of sufficiently sophisticated equipment and sufficient numbers of adequately trained staff. Further, there is the question of the cost of this program plus the capital cost of plant improvement to meet whatever future standards become applicable. Other concerns include the impact on program approvals issued by Metro, which could affect this area municipality, and the question of the validity of requiring industries and municipalities to monitor their own effluents when the results might later be used against them in court.

CONCLUSION:

The MISA White Paper is admirable in its intention to eventually eliminate toxic contaminants from municipal and industrial discharges into waterways. However, between now and the eventual achievement of that goal there are many practical considerations to be taken into account, not the least of which is the availability of technology, trained staff and implementation funding which is bound to be significant. The Metropolitan Works Commissioner's response to the White Paper sets out these practical concerns and I cannot help but share them.

RECOMMENDATION:

That Committee recommend to Council that the Honourable Jim Bradley, Minister of the Environment, be informed that the City of York shares the concerns expressed by Metropolitan Toronto at the difficulties foreseen in administering the new Regulations and the greatly increased costs which is anticipated will result.

FUNDING:

To be determined."

(Relevant correspondence on file in the Clerk's Office)

Moved by Controller Brown,

THE WORKS AND PARKS COMMITTEE RECOMMENDS TO COUNCIL APPROVAL OF THE RECOMMENDATION OF THE COMMISSIONER OF WORKS,

which was carried unanimously.

Copy for Mr. Crabtree

E-6

AUGUST 21, 1986

TO: WORKS AND PARKS COMMITTEE

FROM: COMMISSIONER OF WORKS

SUBJECT: MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

ORIGIN: MINISTER OF THE ENVIRONMENT

BACKGROUND:

The Clerk has received a communication dated July 14, 1986 from P. J. Crabtree, Assistant Director, Water Resources Branch, Ministry of the Environment, which transmits to the municipality a copy of A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters. The City is invited to review the White Paper and submit comments before August 24, 1986. A copy of Mr. Crabtree's letter is attached as Appendix I.

COMMENT:

The MISA White Paper describes the Ministry's new program to reduce the flow of toxic chemicals into Ontario waterways. The nature of the program is best derived from the Minister's Foreword which is attached hereto as Appendix II. A copy of the full report is available in the Office of the Clerk and the Commissioner of Works.

The Metropolitan Commissioner of Works has reported to the Metropolitan Executive Committee concerning the MISA White Paper and a copy of his report is attached as Appendix III.

Metro's position on this matter is quite significant because of its regional responsibility for the operation of trunk sewers and sewage treatment plants. The Commissioner's report provides a summary of the intended MISA program and expresses concerns about its perceived impact on the Metropolitan government. Those concerns particularly note that the frequent monitoring, sampling and testing that is the backbone of the program may not be feasible for lack of sufficiently sophisticated equipment and sufficient numbers of adequately trained staff. Further, there is the question of the cost of the this program plus the capital cost of plant improvement to meet whatever future standards become applicable. Other concerns include the impact on program approvals issued by Metro, which could affect this area municipality, and the question

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AUG 25 1986

WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

Comment (continued)

of the validity of requiring industries and municipalities to monitor their own effluents when the results might later be used against them in court.

CONCLUSION:

The MISA White Paper is admirable in its intention to eventually eliminate toxic contaminants from municipal and industrial discharges into waterways. However, between now and the eventual achievement of that goal there are many practical considerations to be taken into account, not the least of which is the availability of technology, trained staff and implementation funding which is bound to be significant. The Metropolitan Works Commissioner's response to the White Paper sets out these practical concerns and I cannot help but share them.

RECOMMENDATION:

That Committee recommend to Council that the Honourable Jim Bradley, Minister of the Environment, be informed that the City of York shares the concerns expressed by Metropolitan Toronto at the difficulties foreseen in administering the new Regulations and the greatly increased costs which is anticipated will result.

FUNDING:

To be determined.

Respectfully submitted,

W. R. Hamilton, P. Eng.
Commissioner of Works

WRH/g
Attachments
c.c. Mr. P. J. Crabtree, Assistant Director, Water Resources Branch, Ministry of the Environment

Mr. F. J. Horgan, Commissioner of Works, Metropolitan Toronto

APPENDIX I

Ministry of the Environment
Ministère de l'Environnement

Ontario

RECEIVED
JUL 18 10 56 AM '86
CITY OF YORK
CLERK'S DEPARTMENT

135 St Clair Avenue West
Suite 100
Toronto Ontario
M4V 1P5

135 ouest avenue St Clair
Bureau 100
Toronto (Ontario)
M4V 1P5

965-1655

July 14, 1986

For the attention of the Municipal Clerk

Dear Sir/Madam:

I am pleased to provide a copy of the Ontario Government's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)". This Paper describes the Ministry's new program for the control of toxic contaminants in municipal and industrial discharges. Under the Program, dischargers will be required to monitor their effluent regularly for a wide range of contaminants. In addition, effluent limits will be set for toxic contaminants that must be met in order to protect local water quality.

MISA will cover all major point source discharges to surface waters. The municipal sector (sewage treatment works) will be brought under the Program during the next three years. Concurrently, eight major industrial sectors are being included.

We invite your review of the White Paper and would appreciate it very much if you will direct your municipality's comments to the Minister's Office before August 24, 1986.

Yours truly,

Peter Crabtree

P.J. Crabtree
Assistant Director
Water Resources Branch

PS/eal
Encl.
A0049A/MISA-1

MINISTER'S FOREWORD

I am pleased to release the Government's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)." This Paper describes my Ministry's new program to reduce the flow of toxic chemicals into our waterways.

The water pollution control system I inherited regulated only a limited number of conventional contaminants.

Yet scores of persistent toxic substances -- some thought to be cancer-causing or able to mutate genetic structure -- are of prime concern today. These chemicals are not adequately addressed by the pollution control system now in place. Furthermore, that system's major criterion governing industrial waste water discharges was concentration -- in other words, if you dilute, you could pollute.

That system was up-to-date a decade ago, but it is inadequate now and I am replacing it. A new set of tough measures designed to deal with persistent toxic chemicals will take its place.

For the first time, the total amount of each toxic contaminant from each polluter will be capped. This will be done by requiring each direct discharger to meet standards attainable by the best available pollution abatement technology.

MISA's best available technology provision will require pollution reductions -- sometimes great, sometimes small, depending on current performance -- from virtually every major discharger of contaminants into Ontario waterways.

Receiving water bodies will be analyzed to see if these stringent standards are enough to protect them. Where they are not sufficient, contaminant limits will be further reduced to protect local water quality.

In addition to reducing pollution from direct dischargers, MISA also seeks to cut contamination from the thousands of industries that discharge waste water into municipal sewer systems, which, in turn, discharge into our waterways. This will be accomplished by setting strict pollution control standards for municipal sewage treatment plant effluent.

Another key departure from past practice is the dynamic nature of the program. This is not a one-step exercise where each polluter must merely meet a single, lower discharge limit. We have included a provision for periodic re-examinations of every discharger. When re-examinations find better technology has been developed, or industry abatement standards have improved, or the receiving body of water is suffering, new and lower limits will be imposed.

The periodic re-examination provision drives MISA toward the goal of the virtual elimination of persistent toxic pollution from our waterways. This is an idealistic goal, yet I believe we have fashioned a program at once immediately practical and capable of getting us all the way to that distant destination.

The Municipality of
Metropolitan Toronto

Metropolitan Works Department
Phoenix House, 10th Floor
439 University Avenue
Toronto, Ontario, Canada M5G 1Y8
Telephone: (416) 392- 8200
Address all correspondence to the Commissioner
F.J. Horgan, P.Eng. A.A.E.E. *Commissioner of Works*

Refer to: F.J. Horgan, P.Eng. File no: 1000.00 Date: July 16, 1986

To: Metropolitan Executive Committee

From: Commissioner of Works

Subject: Municipal - Industrial Strategy for Abatement

Recommendation:

That a copy of this report be submitted to the Honourable Jim Bradley, Minister of the Environment, expressing this Municipality's concern at difficulties foreseen in administering the new Regulations, and at the greatly increased cost to municipalities of monitoring and treatment which will result.

Background:

Late in June, 1986, The Honourable Jim Bradley, Minister of the Environment, held a press conference at which a White Paper, entitled "Municipal - Industrial Strategy for Abatement (MISA)", was presented as a policy and program statement for controlling municipal and industrial discharges into surface waters.

The Minister's Foreword indicates that eventually every major discharger of contaminants into Ontario waterways will be required to reduce pollution therein. Receiving bodies of water will be analyzed, and strict pollution control standards for municipal sewage plant effluents will be established. One might assume that plants located on a receiving body as large as Lake Ontario might be permitted higher pollutant discharge than a plant discharging to some small river or water course, although that may not necessarily be the case. The indication is given that when better technology is developed, new and lower limits will be imposed. The latter would appear to require constantly changing standards to be satisfied, so that improvements to, or expansion of, treatment facilities might never cease.

The Paper goes on to discuss existence of toxic materials in watercourses in various parts of the Province, and the desire to remedy the condition by minimizing discharge from recognized sources of pollution. The effort will be achieved through establishment of regulations for each industrial sector and the municipal sector. No mention is made of any controls proposed for Federal or Provincial operations. A monitoring regulation will be established, requiring each industrial company to monitor its effluent for a wide range of contaminants, the self-monitoring program to be policed by the Ministry taking samples from time to time

Ministry will be prepared to continue its 15 per cent. grant towards Regional treatment facilities, and whether the Metropolitan Capital Works Programme will be able to afford the level of expenditure which could be required, remains to be seen.

Enforcement of the regulations is indicated to be through:

(1) requirements that dischargers notify the Ministry of violations;

(2) the Ministry staff screening monitoring data submitted by dischargers; and

(3) Ministry staff evaluating data collected during inspections.

The Ministry will evaluate violations reported to determine if prosecutions should be launched. While it might be argued that any measure which will help avoid environmental pollution is desirable, some argument might be made by the legal fraternity as to whether it is proper to expect a violator to furnish the evidence needed to enable prosecution and punitive measures to be taken against him. In fact, there would appear to be a strong temptation for a violator not to report some incident, and to take the chance that the action will not be detected or that it will not be possible to trace its results back to its source.

The Ministry may issue a written abatement request for action to reduce, prevent, or eliminate pollution, within a reasonable time. However, who makes the determination of what is reasonable is not indicated, given the various obstacles that must be overcome with respect to cost, environmental hearings, etc., in order to put improvements in place.

It is not clear whether the introduction of these regulations at the Provincial level over a three-year period for the industrial sector, and by the end of 1989 for the municipal sector, will have any bearing on the present ability of this Municipality to issue Program Approvals to local industries under By-law No. 148-83, and whether Provincial inspectors will take over the work of our present Industrial Waste Inspectors.

Monitoring Regulations:

The proposed regulations will require industries and municipalities to monitor their own discharges. Accuracy is to be ensured:

(1) by requiring the discharger to follow established sampling, flow measurement, and laboratory analytical procedures;

(2) requiring quality assurance and quality control program to be followed by the discharger's laboratory; and

(3) by the Ministry randomly collecting additional audit samples for analysis in its laboratory to verify the discharger's samples as being representative.

The second requirement would appear to place a very great demand for increased laboratory analysis, since many of the Ontario industries will probably not be equipped with laboratories able to make the more exotic analyses, which we have found to be quite expensive. The increased demand may very well drive laboratory testing costs still higher.

billion, per trillion, per quadrillion). No equipment is available to perform such analyses automatically. It sometimes takes weeks or months before results are reported. We foresee trouble in prosecuting potential violators, who can argue that, while their flow on a given date exceeded by-law limits, the cumulative annual total will not be exceeded.

Hopefully, the Ministry will accept these comments as constructive, and supply answers to, or remove, many of the problem areas we have mentioned.

A copy of the White Paper has been furnished to members of the Committee.

F.J. Horgan - Commissioner

FJH/ns 1000.00

TOWNSHIP OF WOOLWICH

THE TOWNSHIP OF
WOOLWICH
BOX 158
64 ARTHUR STREET SOUTH
ELMIRA ONTARIO N3B 2Z6

WILLIAM W. KOWALCHUK, M.Sc., M.C.I.P.
CHIEF ADMINISTRATIVE OFFICER
(519) 669-1647 664-2613

September 4, 1986

Mr. P. J. Crabtree,
Assistant Director Water Resources Branch,
Ministry of the Environment,
135 St. Claire Ave. West,
Suite 100,
TORONTO, Ontario
M4V 1P5

Re: Municipal Industrial Stragedy for Abatement Paper
Issued June 6th, 1986

Dear Mr. Crabtree:

I have reviewed the documents supplied and find no significant concerns with the format or the proposal from development to implementation. Further, I would like to thank you for extending to us an opportunity for comment. I apologize that we were not able to get back to you by August 24th, 1986. Vacations have been the cause of our tardiness.

In general, I find that the approach taken in this program is sensitive and responsive to the needs of each sector, in terms of special problems related to pollution abatement. I would certainly like to be kept informed of the procedure and, where possible, to take part in any of the discussions and deliberations in the future.

Thank you kindly.

Yours truly,

William W. Kowalchuk

WWK-p

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SEP 09 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID0011D(45)

Refer to File No E200-01
Attention of L. Franco
Your File No

September 3, 1986

Ministry of the Environment
135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

Att: P. J. Crabtree
Assistant Director
Water Resources Branch

Municipal-Industrial Strategy for Abatement (MISA)

Gentlemen:

The Engineering Services Committee at its meeting of August 11, 1986 considered the Ontario Government's White Paper entitled Municipal-Industrial Strategy for Abatement (MISA) and a report of the Commissioner of Engineering on this matter (copy attached).

The Committee concurred with the White Paper and the Commissioner's report and recommended to Regional Council that:

29. i) That the Province of Ontario be requested to allow municipalities to levy substantial penalties for By-law violations on matters related to MISA enforcement.

ii) That the MISA be requested to have all industries prepare an inventory of chemicals stored at their plant and the method in which they are disposed of.

iii) That the MISA be requested to look into the possibility of subsidizing small industries to pre-treat their waste.

Regional Council at its meeting of August 19, 1986 approved the Committee's recommendation.

L. Franco, Secretary
Engineering Services Committee

:jr
Attach.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

23

I.D. #0034D (38)

August 4, 1986

Refer to File No: E200-01
Attention of: G.S.Spencer
Your File No:

Mr. Chairman and Members
Engineering Services Committee

Municipal-Industrial Strategy for Abatement (MISA)

Members of the Committee:

Origin

The Government of Ontario has released a White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)". The paper describes a proposed new program to control discharges to waterways. Comments are invited by August 24, 1986.

Background

The existing water pollution control programs regulate a limited number of conventional contaminants. The proposed new program will address the issue of toxic discharges and implement stricter limits on direct discharges to waterways.

In addition to reducing pollution from direct discharges, MISA also seeks to cut contamination from industries that discharge waste water into municipal sewer systems. This will be accomplished by setting stricter pollution control standards for municipal sewage treatment plant effluent.

There are two main groups of toxic contaminants of concern: toxic metals, such as mercury, lead and arsenic; and toxic organics (carbon-based compounds), such as PCBs and chlorinated benzenes.

MISA will establish an abatement program for all the major specific toxic pollutants using as a criterion the best available technology for contaminant removal.

This MISA program will cover all major toxic polluters within three years and will encompass eight industrial sectors including:

- electric power generation
- industrial minerals
- inorganic chemicals
- iron and steel

Cont'd .....

Mr. Chairman and Members
Engineering Services Committee

Municipal-Industrial Strategy for Abatement (MISA)

Cont'd .....

- metal mining and refining
- organic chemicals
- petroleum refining
- pulp and paper

These sectors comprise 200 of Ontario's 300 direct discharges.

The municipal sector, consisting of 400 sewage treatment plants taking waste water from some 12,000 industries will also be covered.

Abatement reulations for each sector will be introduced nine to twelve months after the monitoring regulations for that sector come into effect. Early 1989 has been targetted for having the complete abatement program for the eight target industrial sectors in place.

After the regulations are in place, there will be scheduled, periodic reviews to examine and upgrade them as knowledge and technology improve.

Analysis

The proposed improvements in effluent regulation will result in significant reductions from direct discharges. However, the proposed program will delegate significant responsibility to municipalities to control discharges from municipal sewage treatment plants and to increase surveillance of industrial discharges into the sewage collection systems. Such responsibilities can only be accepted if substantial increases in the penalty assessment at the municipal level are legislated . Presently, by-law violations are limited to $2,000 per offence by the Municipal Act. This restriction should be removed and be consistent with Provincial limits allowed by the Ontario Water Resources Act.

Recommendation

That the Province of Ontario be requested to allow municipalities to levy substantial penalties for By-law violations on matters related to MISA enforcement.

J. R. G. Leach
Commissioner of Engineering

GSS:dkp

CITY OF TORONTO DEPARTMENT OF PUBLIC HEALTH

M.O.H. & TORONTO - Miscellaneous

City of Toronto
Department of Public Health
A.S. Macpherson, M.D., M.Sc.,
Medical Officer of Health

Reply Attention:

Telephone:

August 22, 1986

Hon. Jim Bradley
Minister of the Environment
135 St. Clair Ave. West, Suite 100
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

I enclose the comments of the City of Toronto Department of Public Health on the Ontario Ministry of the Environment's recent White Paper entitled 'Municipal-Industrial Strategy for Abatement' (MISA). The Department of Public Health comments support the proposed MISA program in principle, although clarification on the specific issues noted would be helpful.

I appreciate this opportunity to comment on the White Paper and would like to commend your Ministry for its public consultation policy.

Sincerely,

A.S. Macpherson, M.D., M.Sc.
Medical Officer of Health

RECEIVED
SEP 10 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

D. Batchelor SEP 8 1986
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- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ Minister
- ☐ Return with ☐ Background ☐ Comments
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY: Sept 29/86

☐ M.O.H.
7th Floor, East Tower
Toronto, Ontario M5H 2N2

☐ Central Resources
City Hall, 7th Floor, East Tower
Toronto, Ontario M5H 2N2

☐ Downtown Health Area
City Hall, 6th Floor, East Tower
Toronto, Ontario M5H 2N2

☐ Eastern Health Area
815 Danforth Avenue
Toronto, Ontario M4J 1L2

☐ Northern Health Area
64 Merton Street
Toronto, Ontario M4S 1A1

☐ Western Health Area
2340 Dundas Street West
Toronto, Ontario M6P 4A9

City of Toronto Health Unit

CITY OF TORONTO

DEPARTMENT OF PUBLIC HEALTH

REVIEW OF

MUNICIPAL-INDUSTRIAL

STRATEGY FOR ABATEMENT

A policy and program statement
of the Government of Ontario
on controlling municipal and industrial
discharges into surface waters

A.S. Macpherson
Medical Officer of Health

August, 1986

Department of Public Health Review of the Municipal-Industrial Strategy for Abatement (MISA)

1. Introduction

The City of Toronto Department of Public Health welcomes this opportunity to comment on the Ontario Ministry of the Environment's (OMOE) recent White Paper entitled 'Municipal-Industrial Strategy for Abatement' (MISA). The comments below concentrate on subjects that are of direct concern to the Department of Public Health, and are therefore not intended to represent a comprehensive review of the document.

In recent years, the Department of Public Health has undertaken several research projects and field programs on different components of the Great Lakes ecosystem. One of these was a report on the chemical quality of Toronto's drinking water. Although this report concluded that "residents of Toronto can drink tap water with reasonable assurance it is not likely to cause harm or injury", concern was expressed about the continuing chemical contamination of the Great Lakes ecosystem. Another study, jointly conducted with the International Joint Commission, examined human exposure routes to selected persistent toxic chemicals in the Great Lakes basin. This study showed that residents of the Great Lakes basin are exposed to organochlorine residues in food, air and drinking water. It also showed that food was the major non-occupational exposure pathway for the chemicals studied, and that the Great Lakes basin is not likely to be any more contaminated than other regions of North America. The Department of Public Health has also been conducting bacteriological monitoring programs of water quality in Toronto's beaches for many years.

These research projects and field programs have concentrated on monitoring existing conditions in the Toronto environment because, as a local health unit, the control of discharges to the environment is largely beyond my jurisdictional authority. However, I welcome the MISA White Paper and support initiatives intended to reduce chemical and bacteriological discharges to the environment, as well as those initiatives designed to remediate existing problems.

2. General Comments

The City of Toronto Department of Public Health would like to commend the OMOE for this initiative to reduce municipal and industrial discharges to surface waters in Ontario. The existing system of controlling point source discharges to receiving water bodies is severely inadequate and reform is long overdue.

However, point source discharges represent only a proportion of the contaminant loadings to surface waters in Ontario. We would therefore encourage the OMOE to strengthen its committment to an 'ecosystem approach' by proposing appropriate strategies for the control of non-point sources of contaminants, such as in-place pollutants.

The Department of Public Health would also like to commend the OMOE for its policies on 'access to information' and 'public participation' described in the MISA White Paper. The lack of public participation in previous environmental regulatory initiatives has led to unecessary friction with environmental groups and other sectors of society. For public participation to be effective, however, full access to information is required. The Department of Public Health's initiative on municipal 'right-to-know' legislation is clearly relevant in this regard.

3. Best Available Technology Economically Achievable (BATEA)

The MISA White Paper proposes the development of BATEA standards for each of seven identified industrial sector. Although the Department of Public Health supports the development of uniform BATEA standards for all point sources discharges in Ontario, we hope that the difficulties and shortcomings of this methodology, as demonstrated by the U.S. experience (Clean Water Act), will be taken into account. In addition, because the assessment of BATEA standards involves subjective cost-benefit decisions, it will be important to involve the public as fully as possible in this process. How this will be done is not explicit in the White Paper.

4. Water Quality Impact Effluent Limits

The MISA White Paper proposes the development of site-specific water quality impact effluent limits. While this approach recognizes the inherent local differences between receiving water bodies, the use of site-specific limits will not allow for the application of an 'ecosystem approach' to assess whole lake or whole river effects. The Provincial Water Quality Objectives, although somewhat inadequate as presently stated, provide a basis for minimum ambient water quality throughout the province. The use of local water quality impact effluent limits would remove this common basis. It is also unclear how these limits would be developed. Although it is stated that different environmental criteria would apply in different localities, the standard setting process itself has not been described. For example, how would these limits be set? Would 'no observed effects levels' be used, or would risk assessment techniques be used for carcinogenic chemicals? Thus, although different environmental criteria may apply in different localities, it may be desirable to have a

common set of minimum standards, developed using a single scientific process, applicable across the province. More stringent site specific limits could be developed for sensitive areas, as necessary. This set of minimum standards would be equivalent to the Provincial Water Quality Objectives.

5. Subjects Not Covered By The White Paper

a) Stormwater management

Point sources of contaminants are usually defined as those entering a receiving water body through a pipe. Such a definition would include urban stormwater and other runoff. However, although MISA would apply to municipalities, stormwater outfalls have not been included in the program. Recently, urban stormwater and other runoff has been shown to contribute significant amounts of heavy metals and other chemicals to receiving water bodies. The Department of Public Health would therefore encourage the OMOE to consider including stormwater management in the MISA program as soon as possible.

b) Industries covered by MISA

Although the White Paper states that about 200 of the approximately 300 direct dischargers in Ontario will be covered by the seven industrial categories specified, some of the remaining 100 industries are potentially significant dischargers. For example, electroplating industries are known to discharge relatively large amounts of heavy metals, but this category of industries has not been included. We would therefore encourage the OMOE to include this and other categories of industries that discharge directly to receiving water bodies in the MISA program as soon as possible.

c) Industries discharging into municipal sewer systems

Although industries discharging into municipal sewer systems are not intended to be covered by the MISA program, they can be significant polluters. For example, it has been estimated that there are approximately 11,000 industries in Ontario that discharge their wastes into municipal sewer systems. This is one of the reasons why sewage treatment plant effluents can be chemically contaminated. To improve the quality of sewage treatment plant effluents, it would therefore be necessary to control and improve the quality of the individual discharges to the system. This would probably also reduce the damage to plant equipment. The Department of Public Health would therefore support any OMOE initiatives to control industrial discharges to municipal sewer systems. This could be done through the use of expanded pre-treatment programs for industrial wastes or through

strengthening municipal legislation and enacting a statutory by-law.

6. Conclusion

In summary, the City of Toronto Department of Public Health commends the Ontario Ministry of the Environment for the MISA initiative. If the programs developed under MISA are administered and enforced adequately, the initiative is likely to result in a significant improvement in the chemical quality of effluents from point source discharges in Ontario.

CITY OF ETOBICOKE

City of Etobicoke

OFFICE OF THE CLERK
416/626-4554

D. BALSILLIE SEP 4 1986
09M0423
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply for signature & type a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

SEPT 25/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

August 25th, 1986

The Hon. Jim Bradley,
Minister of the Environment,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Dear Sir:

Subject: Ministry of the Environment - Municipal-Industrial Strategy for Abatement (MISA)

This will advise that Council for the City of Etobicoke, at its meeting held on Friday, August 22nd, 1986, adopted Clause 244 of the Fifteenth Report of the Works Committee, 1986, which recommends:

> THAT the City of Etobicoke advise the Ministry of the Environment that it supports the objectives of the proposed Municipal-Industrial Strategy for Abatement;
>
> in accordance with a report dated August 2nd, 1986, from the Director, Utilities Division - Engineering, Works Department.

For your information I enclose a copy of the above-noted staff report.

Should you require further information, please contact Mr. M. Mansfield, Director, Utilities Division - Engineering, Works Department, at 626-4599.

R. Walton

R. F. Cloutier,
City Clerk.
/sb
enc.

W.K.P.
FYI only

FOR YOUR INFO
DATE: 09-11
D. BALSILLIE

City of Etobicoke

Departmental Memorandum

To: Chairman and Member, Works Committee.

From: M. Mansfield, P. Eng., Director, Utilities Division - Engineering, Works Department.

Date: August 2nd, 1986.

Subject: MUNICIPAL - INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

By means of a letter dated July 14th, 1986, we were advised that the Ontario Ministry of the Environment had published a White Paper under the above title. The contents of this White Paper, (available in the Works Department) represents a major departure from previous practice in dealing with industrial and municipal (via Municipal Sewage Treatment Plant Discharges) pollution. Rather than allowing discharges to occur based on the concentration of the contaminants, the Ministry is now proposing to limit the discharge of contaminants based on total quantity. The Minister's Foreword to the White Paper sums up the proposed new philosophy very well and is enclosed (Attachment No. 15a).

Various regulations put into effect during the last 12 months by the Provincial Government have indicated that a major crack down on all sources of pollution is being put into place: the Spills Bill to make polluters pay for the clean up; Regulation 309 to register all movements of wastes; the Toronto Area Watershed Strategy, and the Municipal - Industrial Strategy for Abatement all indicate that pollution in any form, whether Municipal or Industrial, will no longer be tolerated.

Although the goals of the Province in these matters are laudable, it must be understood that the impact on the City and its various industries are going to be considerable. There will be potential costs incurred by every industry that discharges liquid waste to the Municipal sewer system. Also pending is a new Municipal Sewer Use By-law that will allow only near drinking water quality discharges to the Municipal storm sewer system. It is expected that Metro Toronto will undertake major new efforts to locate and force compliance with discharges of industrial wastes since Metro is the operator of the Municipal Sewage Treatment Plants and thus will be liable under the new Provincial MISA Programme. We will be recommending in a separate report that the City of Etobicoke implement a much stronger presence in the pollution control field, both to cope with spills as they occur as well as to prevent spills and discharges by a much enhanced programme of routine door to door visits and consultation with our industries.

It is recommended that the City of Etobicoke advise the Ontario Minister of the Environment, the Honorable J. Bradley, that the City supports the objectives of the proposed Municipal - Industrial Strategy for Abatement.

Respectfully submitted,

M. Mansfield, P. Eng.,
Director,
Utilities Division - Engineering,
Works Department.

MM/dl/4822I
c.c C-192
C-65
Utilities Division - Engineering
Chrono

Attachment

MINISTER'S FOREWORD

I am pleased to release the Government's White Paper entitled "Municipal-Industrial Strategy for Abatement (MISA)." This Paper describes my Ministry's new program to reduce the flow of toxic chemicals into our waterways.

The water pollution control system I inherited regulated only a limited number of conventional contaminants.

Yet scores of persistent toxic substances -- some thought to be cancer-causing or able to mutate genetic structure -- are of prime concern today. These chemicals are not adequately addressed by the pollution control system now in place. Furthermore, that system's major criterion governing industrial waste water discharges was concentration -- in other words, if you dilute, you could pollute.

That system was up-to-date a decade ago, but it is inadequate now and I am replacing it. A new set of tough measures designed to deal with persistent toxic chemicals will take its place.

For the first time, the total amount of each toxic contaminant from each polluter will be capped. This will be done by requiring each direct discharger to meet standards attainable by the best available pollution abatement technology.

MISA's best available technology provision will require pollution reductions -- sometimes great, sometimes small, depending on current performance -- from virtually every major discharger of contaminants into Ontario waterways.

Receiving water bodies will be analyzed to see if these stringent standards are enough to protect them. Where they are not sufficient, contaminant limits will be further reduced to protect local water quality.

In addition to reducing pollution from direct dischargers, MISA also seeks to cut contamination from the thousands of industries that discharge waste water into municipal sewer systems, which, in turn, discharge into our waterways. This will be accomplished by setting strict pollution control standards for municipal sewage treatment plant effluent.

Another key departure from past practice is the dynamic nature of the program. This is not a one-step exercise where each polluter must merely meet a single, lower discharge limit. We have included a provision for periodic re-examinations of every discharger. When re-examinations find better technology has been developed, or industry abatement standards have improved, or the receiving body of water is suffering, new and lower limits will be imposed.

The periodic re-examination provision drives MISA toward the goal of the virtual elimination of persistent toxic pollution from our waterways. This is an idealistic goal yet I believe we have fashioned a program at once immediately practical and capable of getting us all the way to that distant destination.

M.I.S.A. ETOBICOKE

City of Etobicoke

OFFICE OF THE CLERK
416/626- 4554

November 4th, 1986

The Hon. J. Bradley,
Minister of the Environment,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Dear Sir:

Subject: Municipal and Industrial Strategy for Abatement (MISA)

This will advise that Council for the City of Etobicoke, at its meeting held on Monday, November 3rd, 1986, adopted Clause 286 of the Nineteenth Report of the Works Committee, 1986, which recommends:

> THAT a report dated October 22nd, 1986, from the Director, Utilities Division - Engineering, Works Department, regarding Metropolitan Toronto's review of the Province of Ontario's White Paper entitled "Municipal and Industrial Strategy for Abatement" (MISA), be received; and further
>
> THAT the subject report be forwarded to the Environmental Sub-Committee for review.

For your information I enclose a copy of the above-noted staff report.

R. F. Cloutier,
City Clerk.
/sb
enc.

City of Etobicoke

Departmental Memorandum

To: Chairman and Members, Works Committee.

From: M. Mansfield, P. Eng., Director, Utilities Division - Engineering, Works Department.

Date: October 22nd, 1986.

Subject: Municipal And Industrial Strategy For Abatement

On October 6th, 1986, Council received Metro Toronto's report on the Province's White Paper titled "Municipal & Industrial Strategy For Abatement" (MISA). This White Paper was released by the Ontario Ministry of the Environment in July of this year and was reviewed by Works Committee on August 18th, 1986. A copy of Clause 244 of the 15th Works Committee is enclosed for your information (Attachment No. 6a).

Since Metro operates sewage treatment plants it is one of the targets of the new MISA Programme. Metro's comments (Attachment No. 6b), therefore, focus on the difficulties, both physical and financial, that they expect to encounter in complying with the MISA Programme's requirements.

It is recommended, that this report be received for information.

Respectfully submitted,

M. Mansfield, P. Eng.,
Director,
Utilities Division - Engineering,
Works Department.

MM/jw/4822I
c.c.
Chrono
C-192
C-65
Utilities Division - Eng.

Attachments

Metropolitan Clerk's Department
392-8011

Walter J. Lotto, Metropolitan Toronto Clerk
Daniel Crombie, Deputy Metropolitan Clerk

September 17, 1986.

Mr. Roger F. Cloutier,
City Clerk,
Etobicoke City Hall,
399 The West Mall,
Etobicoke, Ontario.
M9C 2Y2

Dear Mr. Cloutier:

I am enclosing for your information and any attention deemed necessary, the appended Clause No. 17 contained in Report No. 22 of The Metropolitan Executive Committee, which was adopted, as amended, by the Council of The Municipality of Metropolitan Toronto at its meeting held on September 16, 1986.

Yours truly,

Metropolitan Toronto Clerk.

W.J. Lotto/bg
Encl.

Sent to: Minister of the Environment
Area Clerks

Clause embodied in Report No. 22 of The Metropolitan Executive Committee, as adopted by the Council of The Municipality of Metropolitan Toronto at its meeting held on September 16, 1986.

17

MUNICIPAL - INDUSTRIAL STRATEGY FOR ABATEMENT.

The Metropolitan Executive Committee reports having adopted the following report (July 16, 1986) from the Commissioner of Works; and recommends that Council concur in the action taken:

Recommendation:

That a copy of this report be submitted to the Honourable Jim Bradley, Minister of the Environment, expressing this Municipality's concern at difficulties foreseen in administering the new Regulations, and at the greatly increased cost to municipalities of monitoring and treatment which will result.

Background:

Late in June, 1986, The Honourable Jim Bradley, Minister of the Environment, held a press conference at which a White Paper, entitled "Municipal - Industrial Strategy for Abatement (MISA)", was presented as a policy and program statement for controlling municipal and industrial discharges into surface waters.

The Minister's Foreword indicates that eventually every major discharger of contaminants into Ontario waterways will be required to reduce pollution therein. Receiving bodies of water will be analyzed, and strict pollution control standards for municipal sewage plant effluents will be established. One might assume that plants located on a receiving body as large as Lake Ontario might be permitted higher pollutant discharge than a plant discharging to some small river or water course, although that may not necessarily be the case. The indication is given that when better technology is developed, new and lower limits will be imposed. The latter would appear to require constantly changing standards to be satisfied, so that improvements to, or expansion of, treatment facilities might never cease.

The Paper goes on to discuss existence of toxic materials in watercourses in various parts of the Province, and the desire to remedy the condition by minimizing discharge from recognized sources of pollution. The effort will be achieved through establishment of regulations for each industrial sector and the municipal sector. No mention is made of any controls proposed for Federal or Provincial operations. A monitoring regulation will be established, requiring each industrial company to monitor its effluent for a wide range of contaminants, the self-monitoring program to be policed by the Ministry taking samples from time to time on unannounced visits. It is anticipated that the MISA program will cover all major toxic polluters of waterways within three years. Monitoring of the municipal sector, consisting of some 400 sewage treatment plants taking wastewater from some 12,000 industries, will also be undertaken.

Monitoring regulations for petroleum refining and organic chemical industries are planned to be published by mid-1987, and abatement regulations will be introduced nine to 12 months thereafter. Pilot studies of certain sensitive and confined aquatic areas are planned, one of which is Toronto Harbour. The industries, municipalities, and the public, are to be consulted on the development of the MISA program, and there will be 60 days for interested parties to submit written comments on the White Paper. Accordingly, it is necessary, if any submission is to be made by this Municipality or by this Department, to obtain sanction thereof from your Committee. We might add that we have received no formal advice from the Ministry about the release of its White Paper, or the 60-day notice; we do not know if, or how, industries have been notified.

The MISA Solution:

The Ministry of the Environment states that the MISA program is being undertaken in full consultation with Environment Canada, municipalities, affected industries, interest groups, and the general public.

One cannot argue with the ultimate goal to achieve eventual elimination of toxic contaminants in municipal and industrial discharges into waterways. However, it is obvious that achievement of that goal will be costly. The monitoring program, the announced intention to require best available technology, effluent limits to be set, enforcement measures, etc., all introduce potential increases in cost. There will be a continuing difficulty to sort out claims by equipment suppliers of improved technology versus actual proven performance, which was the major value in the solid waste field of the Experimental Resource Recovery Plant, whose operation will be suspended by the Province in March, 1987

Key components of the MISA program involve pre-regulation consultation, comprehensive data base, a best available technology economically achievable approach for setting effluent limits, a water-quality impact approach with regard to the receiving body of water, and abatement and enforcement mechanisms. (It might be noted that in the use of the acronym (BAT) for "best available technology economically achievable" in the remainder of the White Paper document, the significance of the final two words is lost.).

We understand that the consultation with the municipal sector is expected to be provided through the Municipal Engineers Association, which is a member of a Technical Committee including the Ministry. It will be important, therefore, for municipal bodies to funnel any concerns with regard to technology, policing, costs, etc., to the Municipal Engineers Association for discussion with the Ministry. It is proposed that the consultation process will bring about limitations on the extent of pollutant discharge permitted in each case, with the public having complete access to data on contaminant discharges and on the effluent limits set. Dischargers will have to apply to the Ministry for Certificates of Approval for proposed works to be constructed for Abatement Programs. In the case of our sewage treatment plants, which are among the largest in the Province, we already experience difficulty in setting priorities for various improvements which should be made, and which presumably will be required under the proposed program approval. Whether the Ministry will be prepared to continue its 15 per cent. grant towards Regional treatment facilities, and whether the Metropolitan Capital Works Programme will be able to afford the level of expenditure which could be required, remains to be seen.

Enforcement of the regulations is indicated to be through:

(1) requirements that dischargers notify the Ministry of violations;

(2) the Ministry staff screening monitoring data submitted by dischargers; and

(3) Ministry staff evaluating data collected during inspections.

The Ministry will evaluate violations reported to determine if prosecutions should be launched. While it might be argued that any measure which will help avoid environmental pollution is desirable, some argument might be made by the legal fraternity as to whether it is proper to expect a violator to furnish the evidence needed to enable prosecution and punitive measures to be taken against him. In fact, there would appear to be a strong temptation for a violator not to report some incident, and to take the chance that the action will not be detected or that it will not be possible to trace its results back to its source.

The Ministry may issue a written abatement request for action to reduce, prevent, or eliminate pollution, within a reasonable time. However, who makes the determination of what is reasonable is not indicated, given the various obstacles that must be overcome with respect to cost, environmental hearings, etc., in order to put improvements in place.

It is not clear whether the introduction of these regulations at the Provincial level over a three-year period for the industrial sector, and by the end of 1989 for the municipal sector, will have any bearing on the present ability of this Municipality to issue Program Approvals to local industries under By-law No. 148-83, and whether Provincial inspectors will take over the work of our present Industrial Waste Inspectors.

Monitoring Regulations:

The proposed regulations will require industries and municipalities to monitor their own discharges. Accuracy is to be ensured

(1) by requiring the discharger to follow established sampling, flow measurement, and laboratory analytical procedures;

(2) requiring quality assurance and quality control program to be followed by the discharger's laboratory; and

(3) by the Ministry randomly collecting additional audit samples for analysis in its laboratory to verify the discharger's samples as being representative.

The second requirement would appear to place a very great demand for increased laboratory analysis, since many of the Ontario industries will probably not be equipped with laboratories able to make the more exotic analyses, which we have found to be quite expensive. The increased demand may very well drive laboratory testing costs still higher.

Regulations are to be applied to municipal sewage treatment plants on a staged basis. The mechanisms for the control of industrial discharges to municipal sewer systems will be developed in parallel with the Municipal Control Program for sewage treatment plants, expected to be completed by the end of 1989. Load reductions of contaminant discharges are to be continually reviewed and updated as ongoing scientific studies indicate further environmental impacts, and new and expanded municipal or industrial treatment plants will be required to meet more stringent limits within older established plants.

In an Appendix to the White Paper, reference is made to determining the maximum permissible daily value to be applied to normal well operated plants. The effluent limits will be framed in terms of performance only. The industry or municipality will have the option to choose the means to achieve effluent limits. However, the earlier reference to requiring presentation of plans to obtain a Program Approval would appear to give the Ministry a certain power of determining so-called acceptable methods.

In actual practice, it would appear that it is the intent of the Ministry, having established the permissible effluent level for contaminants from municipal sewage treatment plants, to require the municipality to trace back upstream in its sewer system the source of any such contaminants which may be found objectionable. Performance of this work will very likely require increased staff, and much more extensive laboratory capability and cost than we presently experience. An earlier reference was made to a reasonable time for compliance with a Ministry Order to reduce, prevent or eliminate pollution, and it is defined in the Appendix as not exceeding 180 days. That, in fact, may be far from a reasonable time to investigate, plan, obtain environmental approval, call for tenders, and contract for construction of the necessary facilities; however, there is an indication that if the discharger is not in compliance within that time limit, an option in the form of an abatement program agreed to and documented in a control document, must be demonstrated.

Regulations will also control disposal of sewage sludge, and in our case, since we incinerate, the intention to provide guidelines for the design and operation of incinerators is of interest, since the said guidelines are described as being under development.

The indication is given that the penalties for violations of The Ontario Water Resources Act and The Environmental Protection Act, are to be increased. Metropolitan Council has already requested an increase in the maximum $2,000.00 fine which can now be imposed by a municipal by-law under The Municipal Act. Reference is made to control of urban run-off and its polluting effect, and of leachates from landfill sites coming under closer and more extensive examination.

A final concern on our part is the seeming assumption that it is possible for industries and municipalities to monitor daily flows on a continuous basis, analyzing the flow characteristics, to determine compliance with annual limits for given contaminants granted by the Ministry under its Regulations. To the best of our knowledge, such monitoring equipment is not available at this time. Samples have to be extracted from flows in prescribed fashion, properly stored, and shipped to laboratories for computerized analysis by gas chromatograph and mass spectrophotometry to detect contaminants in very minute quantities (parts per billion, per trillion, per quadrillion). No equipment is available to perform such analyses automatically. It sometimes takes weeks or months before results are reported. We foresee trouble in prosecuting potential violators, who can argue that, while their flow on a given date exceeded by-law limits, the cumulative annual total will not be exceeded.

Hopefully, the Ministry will accept these comments as constructive, and supply answers to, or remove, many of the problem areas we have mentioned.

A copy of the White Paper has been furnished to members of the Committee.

(A copy of the White Paper referred to in the foregoing report has been forwarded to each Member of Council and a copy thereof is on file in the office of the Metropolitan Toronto Clerk.)

(The Metropolitan Council on September 16, 1986, amended the foregoing Clause by adding thereto the following:

"It is further recommended that the Commissioner of Works be requested to report to the Works Committee on the existing financial implications of Metropolitan environmental programming goals and the grant levels from the Provincial and Federal Governments, together with recommendations on how these grants should be enhanced to assist in achieving these goals.")

CITY OF NORTH YORK

CITY OF NORTH YORK

5100 YONGE STREET
NORTH YORK
ONTARIO
M2N 5V7

Reply attention of
Mrs. C. Davidovits

Telephone (416) 224-6078

File no. 58-1

CLERK'S DEPARTMENT

September 12, 1986

Mr. P. J. Crabtree
Assistant Director
Water Resources Branch
Ministry of the Environment
135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

Dear Sir:

RE: PROVINCIAL GOVERNMENT'S WHITE PAPER - "MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)" - JUNE 1986

Your communication dated July 14, 1986 respecting the subject matter was placed before the Works Committee of the City of North York at its meeting held on September 9, 1986.

In considering the foregoing matter the Works Committee had before it the attached report (August 26, 1986) from the Commissioner of Public Works.

The Works Committee decided to defer this matter until such time as the Commissioner of Public Works has had an opportunity to meet with his counterparts in Metropolitan Toronto and with the Metropolitan Toronto Works Commissioner to discuss the Abatement Policy and to submit a further report thereon to the Committee.

I will be in touch with you further to advise you of the outcome of this matter.

Yours truly,

C. Davidovits

(Mrs.) C. Davidovits
Secretary, Works Committee

CD:ml
Att.
c.c. Commissioner of Public Works

RECEIVED
SEP 16 1986
WATER RESOURCES
ONTARIO MINISTRY OF THE ENVIRONMENT

R E P O R T

DATE: August 26, 1986

TO: Chairman and Members
of the Works Committee

FROM: Brian Ruddy, P. Eng.

RE: PROVINCIAL GOVERNMENT'S WHITE PAPER -
"MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)"
JUNE 1986

The Secretary of the Works Committee has requested comments with respect to this White Paper.

The intent of the White Paper is commendable although the statements are rather lengthy and general in nature. The effect on the municipality and its industries will not be known until the regulations are established.

Respectfully submitted,

Brian Ruddy, P. Eng.,
COMMISSIONER OF PUBLIC WORKS.

BR/bb

CITY OF CAMBRIDGE

The Corporation
of the City
of Cambridge

Engineering and Public Works Department

P.O. Box 669
Cambridge, Ontario. N1R 5W8
Telephone: (519) 623-1340

September 19, 1986

Ministry of the Environment,
125 St. Clair Avenue West,
Suite 100,
Toronto, Ontario.
M4V 1P5

Attention: P. J. Crabtree,
Assistant Director, Water Resources Branch.

Dear Sir:

RE: Municipal-Industrial Strategy for Abatement (MISA

With reference to the Ontario Government's white paper on the above topic dated June, 1986 this is to advise you that the matter of sewage treatment and industrial waste discharges to the sanitary sewer system in the City of Cambridge is the responsibility of the Regional Municipality of Waterloo. Therefore, the City of Cambridge will not be submitting comments on the contents of the white paper.

I recently contacted the Regional Municipality of Waterloo and they have advised that they are now in the process of formulating their comments which will be submitted to you in the near future.

Yours truly,

F. Bandoni, P. Eng.,
Director of Engineering.

FB/eik

c.c. Blayne C. Rennick

RECEIVED
SEP 24 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

CITY OF HAMILTON

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

PJC

CITY HALL
HAMILTON ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1986 September 16

SEP 22 1986
09M2216
LOG

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: Oct 14/86

Honourable Jim Bradley
Minister of the Environment
15 Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Honourable Sir:

Re: Municipal-Industrial Strategy for Abatement

This is to advise that City Council, at its meeting held Tuesday, 1986 August 26, approved Item 43 of the Fifteenth Report of the Transport and Environment Committee as subjoined.

Your favourable consideration of this request will be greatly appreciated.

Yours very truly,

E. A. Simpson
City Clerk

EAS:RCP:em

c.c. Mr. J. R. G. Leach, Commissioner of Engineering

43. That the Province of Ontario be requested to:

(1) allow municipalities to levy substantial penalties for By-law violations on matters related to Municipal Industrial Strategy for Abatement enforcement.

(2) That MISA be requested to require all industries to prepare and maintain an inventory of all chemicals stored at their plant and the method in which they are disposed of.

(3) That MISA be requested to investigate the possibility of subsidizing small industrees in the pre-treatment of their waste.

CITY OF ST. CATHARINES

CITY OF ST. CATHARINES

THOMAS A. W. DERRECK
M.A., M.P.A., D.M.C., M.I.M.A.
CITY CLERK

BOX 3012 CITY HALL
ST. CATHARINES, ONTARIO L2R 7C2
PHONE 416-684-7800

September 23rd 1986

Mr. P.J. Crabtree, Assistant Director
Water Research Branch
Ministry of the Environment
135 St. Clair Avenue West, Suite 100
Toronto, Ontario
M4V 1P5

Mr. Crabtree:

Re: Ministry of the Environment Proposed Municipal-Industrial Strategy for Abatement (MISA) Our File No. 68.81.99

Please be advised that City Council at its regular meeting of September 8th 1986, enacted a resolution directing that you be advised that the Corporation of the City of St. Catharines is in agreement with the proposals contained in the White Paper related to the Municipal-Industrial Strategy for Abatement (MISA), dated July 14th 1986.

For your complete information in this regard, I am attaching an excerpt from the General Committee Minutes of September 8th 1986, which contains a copy of a report from the Engineering Department and the full text of the resolution enacted by Council.

Should you require any additional information, please contact the Engineering Department directly.

Yours truly

Thomas A.W. Derreck
City Clerk

/bt
attach.

cc Mr. J. Warren, City Engineer

RECEIVED
OCT 1 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

ST. CATHARINES

DATE Aug. 25/86 ITEM NO. 6.4.3
RATIFIED BY COUNCIL Aug. 25/86

eport from the Engineering Department
Re: Ministry of the Environment Proposed
Municipal-Industrial Strategy for
Abatement (MISA) (FILE: 68.81.99)

622. By memorandum dated August 19th 1986, the Engineering Department submitted the following information on the subject matter for the consideration of the General Committee:-

The Ministry of the Environment has requested that the City comment on the proposed Municipal-Industrial Strategy for Abatement (MISA). This report briefly reviews the recommendation in the White Paper and recommends that the City advise the Ministry that it is in general agreement with the proposals which are contained in it.

The goal of the Ministry of the Environment in this program is the virtual elimination of toxic contaminants in municipal and industrial discharges into waterways. The proposed method of achieving this goal is as follows:

1. Identification of the discharge of toxic substances in municipal and industrial effluents and the establishment of a comprehensive data base.

2. An increase in the emphasis of control technology to reduce pollution at source by the use of "best available technology".

3. Establishment of individual effluent limits consistent with the best available technology approach.

4. Increased enforcement mechanisms.

5. Cooperation with municpalities and industry in establishing the effluent goals.

6. Involvement of the general public and interest groups in the process.

It is proposed that requirements relating to discharges of pollutants be based on the more stringent of two limits established by determining the effluent limits possible on the basis of best available technology and the effluent limits appropriate based on acceptable water quality.

The proposals of the Ministry will result in significant changes in the methods of controlling the discharge of toxic contaminants into the environment. This in turn may result in significant costs to municipalities and industry. The MISA approach is consistent with the concept being followed in the City/Region/Ministry of the Environment Pollution Control Plan. It is the opinion of staff that the problems referred to in the White Paper should be addressed and that the City should support the approach of the Ministry, particularly in light of the proposals regarding consultation with municipalities, industries and other interest groups.

RECOMMENDATION:

That City Council advise the Minister of the Environment that it is in agreement with the proposals contained in the White Paper related to the Municipal-Industrial Strategy for Abatement (MISA) dated July 14, 1986.

MOVED BY ALDERMAN LAPLANTE:

That the recommendation contained in the report dated August 19th 1986, from the Engineering Department respecting the City of St. Catharines' agreement with proposals contained in the White Paper related to the Municipal-Industrial Strategy for Abatement (MISA), be approved. (FILE: 68.81.99)

CARRIED.

REGIONAL MUNICIPALITY OF WATERLOO

Evelyn L. Stettner, A.M.C.T., C.M.C.
Regional Clerk
Marshland Centre, Waterloo, Ontario N2J 4G7
Telephone (519) 885-9420

The REGIONAL MUNICIPALITY of WATERLOO

October 31, 1986

The Honourable James Bradley,
Minister of the Environment,
15th Floor, 135 St. Clair Ave.W.,
TORONTO, Ontario. 4V 1P5

Dear Sir:

Re: Municipal Industrial Strategy for Abatement (M.I.S.A.)

This is to inform you that the Council of the Regional Municipality of Waterloo, at its regular meeting held on October 30th, 1986, approved the following:

THAT the Regional Municipality of Waterloo support the initiatives of the Ministry of the Environment with respect to the Municipal Industrial Abatement Program with the condition that additional funding support is provided in the following areas:

1) Upgrading of treatment processes at waste water treatment plants to meet new effluent standards, particularly as these standards are to be constantly changed to meet "Best Available Technology" (B.A.T.) requirements.

2) Expansions in municipal laboratories in terms of capital equipment and operating costs to meet the requirements of the increased monitoring and more sophisticated chemical analyses.

3) Consulting costs involved in receiving water-course quality assessments.

A copy of Staff Report E.R. 86-179 is enclosed for information.

Yours truly,

(Mrs.) E. Stettner
Regional Clerk

ES/cw
Encl.

cc: C. Bauman, Commissioner of Engineering
J. D. Pawley, Director Engineering Operations

ECOROCT30

112

112

File: M.O.E.

E.R.: 86-179

THE REGIONAL MUNICIPALITY OF WATERLOO

COMMISSIONER OF ENGINEERING

TO: Chairman Fred Kent and Members of the Engineering Committee

DATE: Thursday, October 9, 1986

SUBJECT: MINISTRY OF THE ENVIRONMENT, MUNICIPAL INDUSTRIAL STRATEGY FOR ABATEMENT (M.I.S.A.)

RECOMMENDATION:

That the Regional Municipality of Waterloo support the initiatives of the Ministry of the Environment with respect to the Municipal Industrial Abatement Program with the condition that additional funding support is provided in the following areas:

i) Upgrading of treatment processes at waste water treatment plants to meet new effluent standards, particularly as these standards are to be constantly changed to meet "Best Available Technology" (B.A.T.) requirements.

ii) Expansions in municipal laboratories in terms of capital equipment and operating costs to meet the requirements of the increased monitoring and more sophisticated chemical analyses.

iii) Consulting costs involved in receiving watercourse quality assessments.

Continued P2

113

SUMMARY:

The Municipal Industrial Strategy for Abatement is a program developed by the Ministry of the Environment and intended to control toxic organic discharges to receiving watercourses. This is to be accomplished by controlling direct industrial and municipal discharges.

Municipalities will be charged with the responsibility of meeting discharge requirements from municipal waste water treatment plants. This will result in a much greater emphasis on industrial effluent control with the municipality being responsible for control at either the industry or the waste water treatment plant outfall.

The added costs of these programs will be quite substantial and the Province should be requested to assist with these additional substantial financial burdens.

REPORT:

The Ministry of the Environment has recently announced the initiation of the Municipal Industrial Abatement Program. This program has been developed to address the growing problem of organic and inorganic toxins in the drinking water and food chain in Ontario. The main contaminants of concern are toxic metals such as mercury, lead and arsenic and toxic organics such as dioxins, P.C.B.s and chlorinated benzenes.

The M.I.S.A. program is to be staged over 3 years to allow for the gradual initiation of new discharge regulations for industries and municipalities. The ultimate goal of this program is the virtual elimination of toxic contaminants in municipal and industrial discharges into the Ontario waterways. The following activities are planned to meet the Ministry of the Environment objective:

1. Identifying and measuring the discharge of toxic substances in addition to conventional contaminants in municipal and industrial effluents. The result will be the build-up of a comprehensive data base on contaminant discharges across Ontario.

2. Increasing the emphasis on control technology to achieve greater reductions of pollution at source. Best available technology (B.A.T.) effluent limits will be set for each industrial sector and the municipal sector as the minimum pollution control requirement for each discharger in that sector.

Continued P3

3. Strengthening and expanding the existing water quality impact approach for establishing effluent limits. This approach will complement the B.A.T. approach, with the more stringent effluent limit of the two applying to each discharger.

4. Strengthening enforcement mechanisms, including the introduction of monitoring and effluent limits regulations (under Section 136 of The Environmental Protection Act), to set down the obligations of the discharger to participate in the abatement process.

5. Involving municipalities and industry in the M.I.S.A. development process to ensure maximum technological and economic efficiency.

6. Involving the general public and interest groups in the M.I.S.A. development process to promote awareness and to gain widespread comment and advice.

Regional staff have reviewed the documentation submitted by the Ministry of the Environment with regard to the M.I.S.A. program and are generally pleased that tough new regulations will be available to control the discharges of industrial wastes to the receiving streams and to sanitary sewers. The program, however, could have a serious impact on the operations of the Regional Municipality of Waterloo, particularly as the Grand River watershed has been classified as a "sensitive and confined aquatic area". These areas will receive individual aquatic monitoring and discharge standards will be set accordingly.

From the perspective of Engineering staff, the probable impacts of the M.I.S.A. program are summarized below:

i) The Sewer Use Bylaw #29-73 will be amended to conform the Ministry of the Environment discharge requirements for industry and will be revised from time to time to reflect new, more stringent standards reflecting new treatment technology.

ii) There will be an almost immediate need for more stringent monitoring of industrial waste discharges, including the use of more sophisticated sampling protocols and a greater degree of sophistication in chemical analyses (i.e. looking for small quantities of organics).

iii) An expansion of the Engineering Laboratory in terms of technical personnel and equipment will be required.

Continued P4

iv) There will be increased pressure from the Ministry of the Environment to improve waste water treatment processes and effluent quality guidelines will become increasingly stringent as the B.A.T. factors apply.

v) Consulting costs will increase as the Ministry of the Environment removes its current service of quality assessment on watercourses. This work is very specialized and often is abstract leading to studies that are difficult to cost and control.

vi) At some locations within the Region an absolute limit will be placed on the expansion possibilities of waste water treatment plants. This could have a tremendous impact on the potential for growth of some area municipalities.

Contained in the M.I.S.A. program documentation is the hint that additional funding may be available to municipalities that are severly impacted by the new regulations and guidelines.

As mentioned above the Regional Municipality of Waterloo is situated in a very sensitive aquatic area and it is expected that the financial impacts of the M.I.S.A. program will be significant. For Regional staff it is difficult to conceive what additional costs can be added to the $71.7 million 10 year program already planned for waste water treatment, but major increases must be expected. It must be remembered that part of the Ministry of the Environment initiative is increased penalties for waste water dischargers who are not in compliance with the regulations. Municipalities are to be treated in the very same manner as industries in this regard.

In summary, the M.I.S.A. program initiatives will be helpful in the control of industrial dischargers, but because of the sensitive nature of the Grand River, it is felt that significant financial impacts will be felt by the Regional Municipality of Waterloo as the full program is implemented. Funding assistance from the Ministry of the Environment will be urgently required in the areas of:

i) Process upgrading at waste water treatment plants.

ii) Expansion of the Engineering Laboratory.

iii) Study costs associated with watercourse quality assessments.

Prepared By

J.D. Pawley, P. Eng.
Director of Engineering Operations

Approved

Clare Bauman, P. Eng.
Commissioner of Engineering

INTEREST GROUPS

FEDERATION OF ONTARIO NATURALISTS

POLLUTION: WATER

The Federation of Ontario Naturalists

FON Conservation Centre, Moatfield Park
355 Lesmill Road, Don Mills, Ontario, M3B 2W8 Phone: (416) 444-8419

WLE
Attn. Bishop
Reply for Minister's sig.
Reply for Deputy's signature
Reply w/ Deputy's
Action as noted
Handle at Director
FOR Your Record
DATE: 07 06
D. BALSILLIE

June 26, 1986

The Honourable Jim Bradley
Minister of Environment
15th Floor, 135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. ~~Minister~~ Jim:

Re: MISA

Further to our brief discussion of June 24.

Commendations are due on the Municipal-Industrial Strategy for Abatement - to the Government which formally adopted it. To yourself, for the obvious role in achieving it. And to the staff who engineered form and timetable.

As I have already expressed to you, we regard the MISA policy as the most important single advance in water pollution control in the past 25 years.

Ontario's (effective) past philosophical basis - of allowing toxic discharges up to just-below the point of expected problems - has been the recipe for many of our current problems.

The attached Woods, Water, Wildlife column (syndicated in 50-70 mostly-weeklies, and to various dailies) summarizes our basic viewpoint.

We will be carefully reviewing the document, and making constructive criticisms/suggestions thereon, as quickly as possible.

D. BALSILLIE JUN 27 1986
LOG # 0 C m 2733

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☐ Reply direct and return a copy ☐ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY:

... 2

With the resolve to implement and follow-through on the tough decisions to inevitably flow, this policy can provide the basis for a much healthier Ontario in decades to come.

Yours sincerely,

Mike Singleton
Executive Director

MS/mc

cc. Charles Pryer
Doug Thomas
Don Huff

The Federation of Ontario Naturalists

FON Conservation Centre, Moatfield Park
355 Lesmill Road, Don Mills, Ontario, M3B 2W8 Phone: (416) 444-8419

For the Week of June 30, 1986 No. 372

WOODS, WATER AND WILDLIFE
by Mike Singleton - For the Federation of Ontario Naturalists

POLLUTION CONTROLS - A MAJOR STEP FORWARD

A new water pollution abatement policy, announced by Environment Minister Jim Bradley last week, is Ontario's most important advance in water pollution control in 25 years.

For decades, Ontario's philosophical basis has effectively been to allow discharge of as much pollutant as a waterway can assimilate without 'becoming unstuck'.

Under the new policy, the goal will be "the virtual elimination of persistent, toxic substances from discharges into Ontario's waterways.".

The importance of this philosophical basis cannot be overstated. Under the old approach, Ontario, basically,moved to curb or reduce contaminant discharges or to merely dilute them further - only when obvious problems developed. And the level of pollution at which 'things became unstuck' became a matter for eternal debate - was it the level at which fish contained contaminants, or only when every last creature died?

The old approach has been seriously flawed in other ways, too. With 500 chemicals being developed or introduced to the industrial repetoire each year, all can't be exhaustively tested - for long-term effects, for concentration in the food chain or for synergystic effects with other chemicals. PCBs provide a case in point. In widespread use for nearly 50 years as a transformer coolant, they were assumed to be basically innocuous if 'diluted' and were regularly disposed of - in dumps, by washing spills into sewers and even

(over)

mixed with waste oil for dust spraying on gravel roads. It was only coincidentally - when biologists noted collapse of gull reproduction that the full risk became clear. Although you, I and everyone alive now has PCBs in their system, we were fortunate that the gull collapse forwarned us of serious problems, and led to stringent controls.

The new policy will, basically, assume that toxic chemicals are going to pose problems, and work for their elimination, rather than holding emissions just below the level expected to produce problems.

This is precisely the change which the Federation of Ontario Naturalists has been advocating - coupled with creation of state-of-the-art hazardous waste disposal facilities, and a cleanup of existing leaking dumps.

There are a number of key components to the "Municipal-Industrial Strategy for Abatement" as the new policy is called. It:

- states first and foremost that the objective will be elimination of toxics in discharges.
- stipulates use of best available technology. Many industries, like older pulp and paper plants, are still using archaic, outdated facilities.
- proposes a review cycle - the Minister has suggested every 7-10 years to FON - for updating of the technology standards.
- will require every discharger to monitor and record toxic contents of its effluent. These will be collected and spotchecked by the Ministry, and violators will be severely dealt with. This data will provide - for the first time - a comprehensive picture of wastes going into Ontario's water.

The Minister has separately told FON that he will be proposing legislative and regulatory amendments to vastly increase polluter penalties.

(more)

The approach will not produce an overnight reduction in the toxic effluents which ultimately wind up in the chemical soup we eat, breathe, drink and move in. But it does provide the direction which has been so sorely needed. With resolve by the Government of the day to implement it, this policy will begin ratchetting down the emissions which have created the present-day legacy.

It's a direction which will have costs - for Government, industry and consumers alike. But it's also a policy that will provide for the well-being of this and future generations.

- 30 -

Note to Editors: You are free to use this weekly column in whole or in part. Please credit the author and F.O.N.

MJ.S.A: FON - PRV
P Sec to Reply

The Federation of Ontario Naturalists

FON Conservation Centre, Moatfield Park
355 Lesmill Road, Don Mills, Ontario, M3B 2W8 Phone: (416) 444-8419

DEPUTY

August 25,1986

17 Parklane Crescent
St.Catharines,Ontario
L2T 3T9

Hon. Jim Bradley,M.P.P.
Minister of the Environment
135 St.Clair Avenue West
Toronto,Ontario
M4V 1P5

D. BALSILLIE AUG 2 7 1986
J. Bishop, WRB 08M2702
LOG #

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☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

SEPT 17/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

Dear Jim:

RE: MISA White Paper

I was pleased as I am sure you were to read the headline in Friday's St.Catharines Standard "Ontario Called Model In Pollution Position". Congratulations Jim.

Upon receipt of your letter and MISA white paper I immediately set about putting some action plans together to position myself to respond to your request to examine this document and the terms of action that you and your ministry have proposed.

1. I suggested to the editor of Seasons that we include an article on the MISA project in the Fall issue of the FON magazine. This has been done under the direction of Mike Singleton and has replaced another article that had already been scheduled. I consider the MISA white paper to be one of the most important documents on pollution control to be introduced in Ontario since your Ministry was formed.

2. I set up a committee of knowledgeable people here in Niagara to examine and respond to the white paper through the framework of the Niagara Falls Nature Club:

   (a) Dr. Peter Peach - president of Geoprocess Consulting, and past president of both the Niagara Falls Nature Club and the FON.

   (b) Mr. Howard Martin and Mr. Allan Veale - president and vice president of the Niagara Falls Nature Club.

   Howard has been an amateur field naturalist for many years and is very sensitive to the serious pollution problems that are impacting the health and life expectancies of the people living in Niagara Falls and St.Catharines.

   Allan Veale is a retired professional educator and former principal of a

con't . .

secondary school in Niagara Falls. He serves with me on the education sub committee of the Environmental and Ecological Advisory Committee for the Regional Municipality of Niagara.

(c) Mr. John Cooper, professional engineer retired, formerly with H.G.Acres Consulting firm in Niagara Falls. John has a broad experience of solving complex engineering problems on a number of projects around the world over many years.

I see my role as President of the FON acting as a marketing consultant to help develop a marketing plan to sell the MISA product to the people of Ontario over the next two or three years. In order to accomplish this objective I initiated a dialogue with a number of key players to see if I can get a handle on the relationships between the goal and objectives of the OWMC and MISA. The first of these meetings took place last Thursday at Brock University with Dr. Peter Peach and his three active partners in their new consulting business. Peter has just retired as a key player in the geology department at Brock.

A second meeting will take place at noon today with Michael Scott and Leslie Daniels of OWMC at the Blue Mermaid restaurant here in St.Catharines. I wrote to Dr. Chant and he has referred me to Michael to get the ball rolling while he is away on holiday. As you must be very much aware, OWMC has been struggling for a long time now to put a marketing plan together to sell their product, but it seems to have back fired a number of times!

I am sure you are aware that the FON produced a waste management education kit a few years ago, and is currently producing a waste management video. These are the kind of products that form the tools needed to get the message out on how to solve pollution problems that will serve everyone's best interests so we can get away from that not in my backyard syndrome. These products of course will just sit on the shelf however unless FON learns how to put a dynamic marketing plan together to position and sell these products to the right people who can do us the most good to solve our problems on pollution controls. I am convinced that we have an excellent 55 year track record of successes on such matters as these, and with a little financial help we can do a great job helping to solve this critical problem for the people of Ontario and at the same time help to expand our membership and financial support for the things that the FON does.

Kayo Roy has sold a number of us on the idea of attending your barbeque on Henley Island this Wednesday. See you there.

Best regards,

Charlie

Charles Pryer
President FON

Enclosures: -Individual Reports from the Niagara Falls Nature Club MISA Subcommittee

-Newspaper clippings from the St.Catharines Standard of August 22 and August 23,1986.

Congratulations again Jim. Keep up the good work.

August 21,1986

TO: Charles Pryer
Chairman MISA Subcommittee Niagara Falls Nature Club

FROM: Dr. Peter Peach,Ph.D.
President
Peach,Maddalena,Barnsley & Balinski Inc.
P.O. Box 589
Thorold,Ontario L2V 4W1

1.- The way in which industries are to abate the discharge of hazardous material in to the water ways. It is not sufficient to limit the discharge from the "industry's pipe into the lake". The following must be considered;

(a) The industry must consider the necessity to cease manufacturing the hazardous material either directly or as a by product or (b) the industry must destroy (to the OWMC standards) any hazardous material. (c) the storage or burial of such material must not be condoned for fear of creating another "Love Canal" whereby the waste may eventually be discharged to the waterway via groundwater movements or by transmission geologically through aquifers, fractured rock,etc. There must be sufficient guarantee that any hazardous material can not make it's way by any means whatever into the waterway.

2.- It must be incumbent upon the industry and sufficiently powerful legislation put in place to insure that the mandate to manufacture does not permit pollution in any way.

3.- Recognition must be realized at all stages that there is not a fixed rate at which dishcarge or hazardous material can be permitted into any body of water and that the rates may vary dependent upon such ambient conditions as the rate of flow of water in the waterway, the ability of the waterway to clean itself, the fixing of the material in the waterway by watersoak materials such as clays, climatic or seasonal variations and suchlike.

The MISA initiative is of course good in a "Motherhood" way and is something I've been waiting for for a long time (35 years to be precise). It will put Ontario on the map and into the history books (if there are any people still living elsewhere to read the history books!)

There is one comment that will have to be made. The public must be "sold" on this. The general public don't understand the severity of the problem or the initiative, and if it looks like putting a local industry into jeopardy then they will be against it,even if they are shown that their lives may benefit. Environmentalists are still regarded as nuts - look at the type of reaction to Margherita Howe. I heard her referred to last week as "that nut from Niagara on the Lake". There's going to have to be a massive PR job done. All those in favour will be regarded as a "special interest group". We need a messiah!

What we really need is a way to change the public awareness of the dangers to all of us that lie in the lack of public regard for the presence of hazardous material in the environment.

con't . .

An awareness that the medical authorities have developed is the fear? of the presence at large of carriers of smallpox, or typhoid fever, or salmonella, or a number of diseases. Aids is a good modern example. We must somehow make it clear that more people are at jeopardy because of many of the industrial by products or perhaps some of the agriculture "aids" than are by the virus causing "aids".

Charlie

21 AUG 7[illegible]

NOTES Re: Ministry of the environment White Paper
Municipal-Industrial Strategy for Abatement - [illegible]

I have studied the document that Howard mailed to me for review, and fi[illegible] this an excellent piece of work, and, one which should form a good basis for provincial legislation.
I feel that the Minister, Jim Bradley and the present Government should be complimented, if the proposed legislation is implemented.
Here are a few comments on the paper:

1. Bottom of page 4 - The Niagara River should be included in the pilot studies.
2. Appendix page 39 - Provincial Water Quality Objectives - have these been up-dated to consider the information stated in para. 1 page 2.
3. Page 9 ,para. 3 - " By requiring ever more stringent levels within an appropriate time frame" - will this time frame consider the persistent accumulative effects of these new toxic metals and organics. (page 1, para.6)
4. Page 10, para. 7 - suggests that " greater economic and administrative efficiency " will be the dominating philosophy " in the application of full environmental protection measures" - I hope that this Government will not hesitate to stop immediately the production of toxic material that is having a permanent harmful effect on people, and the environment, and have legislation included for this purpose.
5. Page 13, lines 12 & 13 - " Industrial sectors.....industry associations - is this putting the fox to guard the chickens ?
6. Page 14, top - an excellent provision - " The public will have complete access to data....." Where will this be available ?
7. Page 15, para. 4 - " Best management practice" - this should be defined
8. Page 23 - "Socio-economic impact studies " - should state <u>who</u> will do these studies. I hope the "economic impact" will never over-ride the health impact on people.
9. Page 25, Public participation - excellent. A special effort should be made to recruit knowledgeable people - (e.g. chemists, biologists, medical practitioners, etc.)
10. Page 28, page 42, " Water Quality Impact Assessments.....will be the responsibility of the discharger" - the M.O.E. should establish procedures for this evaluation and review on completion.
11. Page 50, para. 3, page 51, para. 2, page 53, para.2 - the enforcement of these regulations should be in the control of the M.O.E. - <u>not</u> fragmented in various other ministries.

continued.....

The following comments refer to the basic philosophy of control of toxic materials:

12. Page 33, para.2 - a) the M.O.E. should know the quantities being produced or imported by any company, and should have the power to stop production or importation of materials deemed hazardous to people or the environment.

b) It is wrong to allow commercial enterprises to profit from the production of toxic materials that will cause the Governmentto spend infinitely more to overcome the problems it creates. Penalties should fit the crime. Recent jail sentences were very appropriate and necessary.

c) This legislation is urgently needed and should be implemented at the latest in the life of the present government.

d) It is misleading to tell the public that drinking water "has been tested" when it has <u>not</u> been tested for the most toxic materials. Municipalities should state what tests have been made.

e) It is absolutely essential that detailed accounting of toxic chemical production and dispersal is established by law.

I trust this will provide the comments you require. Please let me have a copy of the letter eventually submitted.

Sincerely,

John R. Cooper

August 20, 1986.

cc : Howard Martin, President - Niagara Falls Nature Club.

Registering the pollutants actually entering the water system is an important first step. Once it is known which contaminants are present then approriate counter action can be taken. Within the limits of existant technology a pollution free industrial society may not be possible however when the inventory of pollutants is known to include hazardous materials immediate action must be taken either to reduce to an acceptable safe level or eliminate completely at source.

Public support through education

The established view holds that the industrial process can not function unless a certain amount of pollution is allowed. A limited degree of water pollution is considered acceptable as long as society benefits economically. Hence pollution is only considered a crime after conviction. Individually or in corporate groups we must learn not to pollute and that to do so is unethical. Whether it is the release of a household chemical or the overflow from a factory we all share a joint responsibility to our environment. An educational program running parallel to the introduction of the MISA program stressing our ethical responsibility might increase both public awareness and support.

Monitoring

Unscheduled monitoring, to be fully effective should include around the clock and weekend inspections. Special attention should be taken to ensure that regulatory limits are not exceeded by masking a prohibited substance through dilution or graduated release.

Penalties

To be effective as a deterrant penalties must reflect the seriousness with which society views water pollution. To avoid the cost of regulatory compliance some companies may choose to shop out certain processes to third world countries where standards are less stringent. This practice should be discouraged as it would be circu venting the intent of MISA and in so doing impose on other nations actions we consider unacceptable at home.

Socio-economic

Extra costs of compliance with the new tougher measures may cause economic hardship and subsequent loss of jobs. Would the ministry consider financial assistance to help in these cases? On the more positive side the industrial processes that will be developed to clean up our water may prove to be profitable. Locally we have the example of Ontario Paper who have successfully capitalized on a former pollution problem.

Public Support

Allowing representatives of interest groups to sit on committees and help develop the MISA programs and allowing public review and comment on the draft regulation is commendable. There are a number of very knowledgeable individuals and groups who could supply worthwhile information and ideas to this project. Tapping this human resource and admitting them to the ministry's confidence is a welcome break from the previous tradition of silence.

Howard Martin

MISI white paper comments: from Allan Veall

1. The setting of controls and limits on all known contaminants and pollutants, especially those of more recent discovery is certainly a most desireable direction. The magnitude of the task makes the goal seem a bit unrealistic.
2. The effort to stop pollution at its source is most commendable and a noteworthy advance.
3. An increased emphasis on the deterring of water pollution must not allow any increases in air or land pollution. As air pollution may have more serious health effects than water pollution, a corresponding and concurrent emphasis should be considered for cleanliness of the atmosphere.
4. It is possible that the setting of "caps" may in some cases allow an increase. For example if the time of a coffee break is limited to 15 minutes how many are less than the maximum allowed?
5. The statement "if you dilute you can pollute" is a straw man. Regardless of what strategy is used controls which allow any waste to drain into public waters is dilution. The word "absolute" carries the suggestion of NO pollution. However the " a cap on the absolute amount of contamination" is vague and may mean something considerably different.
6. To meet the objectives outlined in this paper would appear to require considerable skilled manpower and increased funds to research on the part of the Ont. Gov't. It would seem quite unfair to me to have the Province impose much greater spending requirements on the municipality tax payers. The level of Gov't which takes credit for the legislation should also take on the concommitant tax burden.
7. In connection with the monitoring policy one has to ask how efficient a scheme to have offenders report the offence will be. This procedure seems wholly ~~inconsistent~~ inconsistent with normal current procedures in any field of jurisdiction we have.
8. The thrust of the proposed legislation is positive. It seems to me that "abatement" and "absolute" as used in the paper are sometimes incostistent.

GREENPEACE

GREENPEACE

Toronto Regional Office
427 Bloor Street West, Toronto, Ontario M5S 1X7
(416) 922-3011

GREEN PAPER

We are pleased to present Greenpeace's Green Paper in response to the Ontario Government's Municipal-Industrial Strategy for Abatement. This paper prescribes priorities in attempts to eliminate the flow of toxic chemicals into our waters.

WRK
Bi-no

D. Balsillie JUL 24 1986
07M2422
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☐ Return with ☐ Background ☐ Parliamentary Assistant
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☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister
FROM: CORRESPONDENCE CENTRE REPLY BY:

MISA released: June 24, 1986

Deadline for public comment: August 22, 1986

Fondation Greenpeace Foundation
2623 West Fourth Avenue, Vancouver, British Columbia, Canada V6K 1P8 Phone: (604) 736-0321
Autres Bureaux Nationaux / Other National Offices:
Australia, Austria, Belgium, Denmark, France, West Germany, Luxembourg, The Netherlands, New Zealand, Spain, Sweden, Switzerland, United Kingdom, United States

THE TOXICS ISSUE

The Great Lakes have long borne the brunt of industries' wastes. This situation has been aggravated in the last five decades by the increased generation of toxic organic chemicals. The impact on aquatic life, public health, and drinking water quality has been dramatic. We have been slow to realize that the living system we rely on and are a part of is not designed to tolerate man-made chemicals. The overwhelming majority of the 800 chemical substances currently found in the Great Lakes System pose potential threats to human health.

For our present purposes, a toxic substance is any chemical which, in sufficient amount, can cause death, disease, mutation and deformity, or malfunction in an organism or its offspring. Thus, all carcinogenic, mutagenic, and teratogenic substances are included in our definition.

Persistent toxic substances found in the Lakes are passed up the food chain in increasing amounts. This process, bioamplification, results in thousand-fold increases of the concentration of contaminants from the levels found in water to those found in the tissues of people dependent on that water. Toxic contaminants will have serious adverse effects in the long term. These effects are being demonstrated in the environment by the unacceptable levels of PCBs found in the mother's milk of some Great Lakes Basin inhabitants.

Both Canada and the United States' current policies have failed miserably to halt the flow of toxics into the Lakes.

In signing the Great Lakes Water Quality Agreements of 1972 and 1978, both the U.S. and Canada agreed that the discharge of toxics into the Lakes "shall be virtually eliminated". The International Joint Commission, formed by both governments in 1909, and institutions such as the National Research Council and the Royal Society of Canada offer similar advice. But none of these bodies has any regulatory power.

There are presently two federal governments, eight states and two provinces in charge of regulating Great Lakes-St. Lawrence water quality.

The Ontario government recently introduced its Municipal-Industrial Strategy for Abatement, in response to a growing public concern about toxic chemical contamination, particularly in the St. Clair River region.

This Green Paper is designed to show where we feel these regulations could be made stronger to better protect public health.

WHY WE CAN'T LET MISA BE THE FINAL SOLUTION

The Municipal-Industrial Strategy for Abatement (MISA), released June 24, 198f by Ontario Environment Minister James Bradley, does not target a date for industry to cease and desist dumping toxic chemical waste into our waters.

MISA does not provide for public participation on industry represented technical committees responsible for:

1) recommendations regarding monitoring programs,

2) advising on the contents of monitoring regulations.

3) advising on the contents of effluent limits regulations.

Because effluent limits as a function of Best Available Technology will be primarily determined and drafted with advice from the technical committee level, we believe public participation on these committees should be mandatory for each industrial sector.

For the purposes of this paper we will now assume this participation occurs.

PRE REGULATION: SETTING THE STAGE

Public input at the pre regulation phase is crucial as this is the point where the Ministry will determine what substances will be tested, and the frequency of monitoring and sampling.

The Ministry claims to have held a series of preliminary meetings with some public interest groups as part of the pre regulation phase of MISA development, yet to our knowledge none of the St. Clair River interest groups were consulted.

Without the benefit of widespread public consultation, the Ministry has entered a pre-regulation corsultation and cooperative monitoring program with the petroleum refining and organic chemical industries, the two sectors responsible for 275 reported spills of toxic substances into the St. Clair River between 1972 and 1984.

Furthermore, the Ministry is complicit in retaining as "confidential information" data regarding these industries' current effluent monitoring programs.

INITIATIVE

We propose the establishment of an Environmental Control Commission (ECC) to complement and oversee all aspects of MISA'S development. Modelled after independent Police Commissions and public Boards of Health, with members culled from the public, the intent is that it be free from political pressure or consideration of financial gain. Such a commission would be empowered to:

1. Initiate and confirm an ongoing complete industrial hazardous waste audit.
2. Determine Quality Assurance/Quality Control for monitoring/sampling/abatement procedures and laboratory analytical standards.
3. Hire or fire any member of the bureaucracy involved in abatement processes.

Every public representative on the technical committees, and on the Environmental Control Commission shall:

1. Ensure that the overall goal and commitment of each technical committee is zero discharge. We recognize that for practical purposes zero discharge means no detectable limits. While this goal has been criticized by industry in particular as "too ideal", we believe it is a long term attainable one.

The ECC shall also ensure that industries in all eight targetted sectors are put on a scheduled timeframe to reduce their toxic emissions to zero.

2. Determine if each technical committee has specified the appropriate processes to achieve this goal for its sector.
3. Determine precisely when each technical committee will be prepared to advise on the drafting of regulations, including a scheduled timeframe, to achieve this goal.

In light of recent charges of impropriety in the operations of an area office of the Ministry of the Environment, and in the management of a municipal waste dump within Ontario's jurisdiction, this is the only way to ensure public confidence in the abatement process.

DATA BASED ON WHAT?

MISA proposes to select target compounds for monitoring and control on the basis of known generation and release, known toxic effects, and known environmental presence. Limits definitions will be based on "a short list of easy to measure toxins ... on the assumption that compliance with requirements for the short list ... (will) ... achieve control for the long list of contaminants of concern."

We deem public participation in this targetting process essential. Any assumptions made should favour the control and monitoring of even suspected toxins. We can no longer afford to judge as harmless until proven otherwise, chemicals whose effects are not known.

The ECC will advise the Ministry when inclusion of particular substances in the short list becomes appropriate, and on the desired frequency of testing for the long list.

MISA also proposes to create a data base on toxic contaminants in direct discharges as a result of intended monitoring regulations. We propose this data base also accommodate data resulting from the complete hazardous waste audit compiled on each discharger. Toxics pinpointed by waste audits will be tracked to an appropriate, permanent isolation from our environment.

The ECC could consider any request to keep waste audit information confidential should the discharger prove able to demonstrate how public access to such information will weaken its competitiveness in the market place.

WHAT IS THE BEST AVAILABLE TECHNOLOGY?

Ontario will be basing its approach on the work of the United States Environmental Protection Agency's characterizing of abatement performance levels. In this experience, the Best Available Technology Economically Achievable has proven to be simply and essentially an average of treatment technology employed by an industrial sector. We don't agree with the belief that averages determined by economics are appropriate in establishing effluent limits for the larger, more profitable dischargers which are usually major polluters. These corporations should be made to comply with standards implied in

the model of the EPA's guidelines for Best Available Demonstrated Technology.

In the past, the EPA has opted to view as equal Best Practicable Control Technology and Best Conventional Pollution Control Technology when "additional treatment costs were not deemed to be justified by benefits". We urge Ontario not to model its approach to conventional pollution control after this instance as we consider clean water invaluable.

We further urge Ontario not to establish performance levels for defined technologies in units of concentration, which only results in toxic dispersion through dilution. Final performance levels for defined technologies should be established in statistical terms for mass loadings, and effluent requirements for dilution can then be considered separately for the protection of proximate aquatic life.

ALTERNATIVES

It is an environmental truism that persistent pollutants don't just go away; they go elsewhere awaiting any opportunity to disperse uniformly through an ecosystem. The Ministry pays lip service to considering non water quality impacts in determining what constitutes the Best Available Technology. But once effluent limits are determined on this basis, limits are framed in terms of performance only, leaving "...the actual choice of methods or technologies to be used will generally be up to the individual discharger." This is not acceptable.

The ECC will characterize Best Management Practices for each individual sector. Given the amount of information available on source reduction technology and the desire of the public to live in a toxic-free environment, this will result in the reduction of the volume of toxic waste requiring isolation from our environment.

Alternatives include:

1. process modification;
2. product substitution;
3. recycling and recovery for reuse or isolation.

It is anticipated that manufacturing plants with varied operations will find it easier to recover toxic wastes before they are combined into a single waste stream.

Best Management Practices would also include specific prohibitions against overflow/back up systems used during spills and accidents that connect directly to a public waterway.

Best Management Practices, along with hazardous waste audits, shall eventually permit the ECC to account to the public for the isolation of all generated toxics from our environment.

IS ANYTHING ILLEGAL IF YOU'RE NEVER CAUGHT?

The disposal of toxic wastes has not been an area entirely free from criminal activity either in Canada or in the United States.

Of provisions proposed by MISA for the Ministry to become aware of effluent limits violations we note that "responsibility

for notifying the Ministry of violations, upsets, planned and unplanned bypasses, spills and leaks ... (resting)... with the discharger" and the screening of data from the "self monitoring program" are safe guarded only by Ministry sampling "from time to time on unannounced visits".

Self monitoring, in place prior to MISA, resulted in at least 275 spills into the St Clair River between 1972 and 1984 and numerous others since then. This system is simply not adequate in ensuring the continued quality of our water. Regulations must be stringent enough so that spills are not considered business as usual by industry. Only then will industry take concerns by the public seriously and spend the needed money to ensure not only a clean environment, but a healthy economy.

The ECC will play an active role in advising the Ministry on the subject, object and timing of spot checks as well as being empowered to undertake such checks itself.

The ECC will advise the Ministry on what constitutes "a reasonable time to comply" with abatement requests after effluent limits regulations have been determined, with due consideration given to the length of time dischargers have participated in pre-regulation consultation. MISA's proposing a time limit of 180 days for compliance is equivalent to adding six months to the overall implementation schedule.

The ECC will also advise the Ministry on its proper exercise of "prosecutorial discretion".

While we applaud the spirit if not the degree of recent upgrades in penalty provisions of the Ontario Environmental Protection Act, Water Resources Act, and the Pesticides Act; to ensure effective auditing, monitoring and abatement the MISA proposal should recognize that crimes of non-compliance with effluent limits regulation requirements, and that knowingly giving false information in regard to toxics, is the moral equivalent of the pre-meditated harm of an individual.

DETAILED WATER QUALITY IMPACT ASSESSMENTS

We welcome the results of Ministry studies of six sensitive and confined aquatic areas. However, we caution that the Environmental Control Commission will directly supervise any industry or private consultant undertaking to study an aquatic area with a view to proposing appropriate effluent limits. The Commission will also retain the option of direct participation in these assessments.

As the first consideration of every active committee involved in MISA should be achieving zero (no detectable) toxic discharge for its sector, we hope these later assessments will prove unnecessary.

TOXINS KNOW NO MUNICIPAL BOUNDARIES

A committee comprised of representatives from the Environmental Control Commission, the Ministry of the Environment, Environment Canada and the Ontario Association of

Municipalities will be formed to study waste audit data submitted by industries with municipal sewage system tie ins with a view to toxic abatement through appropriate waste pretreatment. Pretreatment regulations should be completed by the time MISA establishes municipal sewage effluent limits. Pretreatment is a necessary complement to municipal waste treatment to ensure achieving zero (no detectable) toxic effluent from municipal sewage systems given the wide range of toxics produced by the 12,000 companies known to have tie ins in Ontario.

This committee will also undertake to investigate for old, unknown and illegal tie ins to achieve our goals. The committee will also advise on the standardization of municipal sewer use bylaws.

THERE'S NO FUTURE LIKE THE PRESENT AND NO PRESENT LIKE A FUTURE

We propose the Commission will bear the burden of considering any socio-economic impact statements submitted by industry. The Commission could then advise the Ministry concerning these. We feel it appropriate for the public, as opposed to technical committees, weigh the societal cost/benefit considerations.

The Ministry has publicly sought advice concerning the appropriate length of a cycle for re examining effluent limits for eight industrial sectors. Reluctantly assuming that any technical committee fails to achieve its mandate of advising on appropriate regulations for achieving zero (no detectable) toxic

discharge, it appears evident that examination of an industrial sector should be an ongoing process initiated by a re-examined technical committee as soon as interim limits are set by the original committee.

Finally, we demand the Ministry explain to the press and the public the whole range of ramifications implied in the statement, "When issued, the certificate of approval replaces other control documents if their terms are fulfilled by the proposed works", specifically in regard to the potential for a completely uncontrolled transition period.

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FOR IMMEDIATE RELEASE
July 30, 1986

NEWS RELEASE

NEW POLLUTION PROBE REPORT DESCRIBES "GIGANTIC LOOPHOLE" IN ONTARIO'S WATER POLLUTION CONTROL PLANS

Toronto - Environment Minister Jim Bradley has left a gigantic loophole in Ontario's water pollution control plans, says a new report from Pollution Probe.

Last week's revelation that half of Ontario's water polluters on the Great Lakes were violating discharge guidelines "just barely scratches the surface" says Kai Millyard, the author of the new Probe report. The Environment Ministry report underestimates the scale of the problem by only covering 100 of the 300 water polluters in the province, and by ignoring most of the pollutants in the discharges says Millyard.

According to the new Probe study a more serious problem is the 12,000 industries that discharge into municipal sewers all over Ontario. Environment Ministry reports show that over 270 chemical pollutants have been found passing through Ontario's sewage treatment plants into the Great Lakes, and that the problem is growing. "Despite the scale of this form of water pollution", says Millyard, "the province does not regulate sewer dischargers, and Jim Bradley's white paper outlining new water pollution control plans is virtually silent on the matter".

One reason for the chemicals in the sewers may be that

Ontario's clean water law exempts municipalities from prosecution for clean water violations, says Millyard.

Among the 17 recommendations in the report, Probe says 3 things should be done to deal with the pollution via the sewer system. 1) Develop a long term program to phase out the use of Ontario's sewers for industrial waste disposal.

2) Impose "best available (pollution control) technology" (BAT) standards under provincial law. This would require that industries "clean up" their waste water before discharge to sewers, and

3) Change the law to remove the exemption for municipalities from clean water requirements.

"If the government doesn't address this problem, says Millyard, "it will be leaving a loophole in Ontario's water pollution control program big enough for 11,000 industries to keep pouring their waste through."

- 30 -

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SUMMARY OF FINDINGS

Direct Industrial Dischargers

* Ontario does not have enforceable ambient water quality standards. Control of sources of water pollution can only be better served with such standards.

* Ontario does not have a system to issue permits for control of pollutants in industrial wastewater. The Certificates of Approval which are issued approve wastewater equipment, and usually do not set clear effluent limits. The Certificates represent a one-time approval, and are effective essentially forever, meaning no regular reevaluation of controls or limits takes place.

* When effluent limits are set for pollutants in Certificates (or the tougher Control Orders) the controls are only for a very few conventional pollutants, and ignore the vast majority of toxic chemicals in many of the discharges.

* Certificates of Approval have been issued to only half (roughly 150) the water polluters in Ontario (roughly 300). The Ministry of the Environment does not know who or where the other half are.

* Effluent limits are expressed as concentrations in Certificates, thereby allowing companies to dilute industrial wastes with clean water to meet the limits - without reducing the total load of waste dumped into Ontario's waterways.

* Effluent limits are expressed as average levels over long periods of time, thereby missing sudden "shock loadings" of pollutants. These shock loadings do serious damage to water quality, killing fish and smaller plant and animal life, and are essentially unregulated.

* In the US, a far more comprehensive system exists, based on 5-year permits. In many States, legally enforceable standards for hundreds of chemicals are in place, and are being incorporated into permits.

...more

Discharges via Sewers

* Toxic waste discharges to Ontario's waterways from Sewage Treatment Plants are just as significant (and growing) as from direct industrial discharges.

* The Ministry of the Environment estimates that while there are roughly 300 direct discharges to Ontario's waters, over 11,000 industries are using the sewers to dispose of wastes.

* Hundreds of different chemicals have been found passing through STPs into lakes and rivers in Ontario.

* Treated sewage solids (sludge), otherwise a good source of fertilizer for farmers, are often too contaminated by industrial chemicals for safe application to farmland.

* Chemical evaporation from sewer pipes and STPs, has recently been found in the US to be a major route of escape into the environment for sewered wastes. This problem is virtually unstudied in Ontario.

* Ontario does not regulate discharges into sewers.

* Ontario's clean water law exempts municipal STPs from its provisions.

* A patchwork set of incomplete guidelines and voluntary municipal bylaws represent a completely inadequate control program. The bylaws and guidelines cover only a few pollutants, are minimally enforced and have limited potential for handling the problem.

* Although the JETCO and B.E.S.T. convictions were obtained apparently for polluting the sewers, the fact that the convictions were for contempt, rather than for bylaw violations shows the weakness of the bylaw mechanism for controlling sewer polluters.

MISA proposals for reform

* For control of the fastest growing water pollution problem in Ontario, sewer dischargers, MISA offers no prospect for change. Unless major improvements are made, the government will be leaving a loophole open which is big enough to allow 11,000 industries to pour their waste through.

* For direct discharge polluters, the new BAT proposals are a step forward, but the decisions about what constitutes best available technology, and what is economically acheivable must be made publicly.

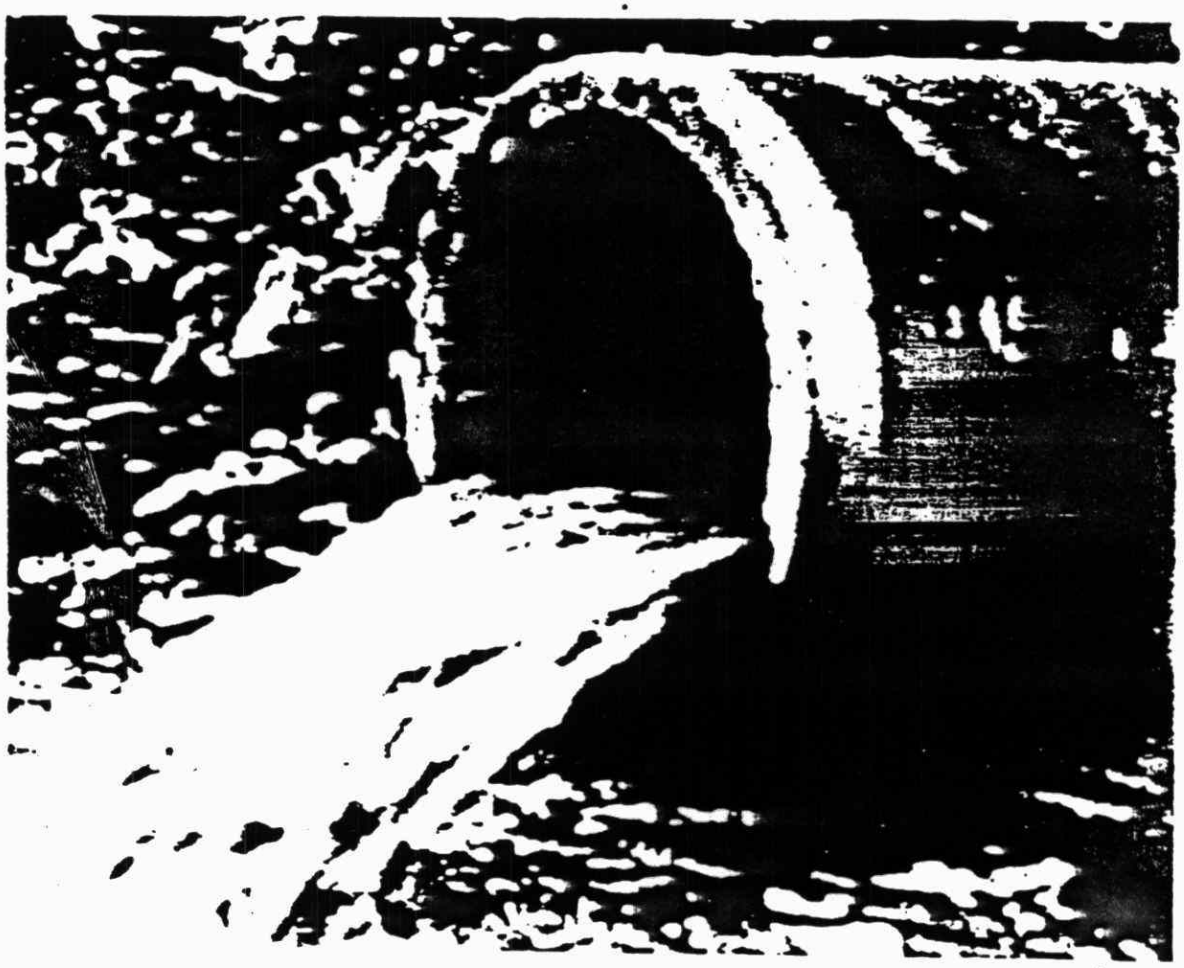
COPIES OF THE FULL REPORT ARE AVAILABLE UPON REQUEST.

WATER POLLUTION CONTROL IN ONTARIO:

A CRITICAL REVIEW

Pollution Probe

July 1986



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Introduction

From its inception in 1969, Pollution Probe has been committed to improving and protecting Ontario's waterways from pollution of all kinds. Over the years our staff and volunteers have worked to raise awareness of, and advocate solutions to water pollution problems ranging from mercury contamination in the north to phosphorus pollution in Lake Erie to sewage pollution closing beaches in Toronto. While some progress has been made on those problems, most notably phosphorous in the Great Lakes, a more complicated and far more serious set of problems has been coming to scientific and public attention; toxic chemical water pollution.

From a short list of a dozen contaminants in the Great Lakes a decade ago (including phosphorous, mercury, mirex and PCBs), we now know of almost 1000 chemicals which have been identified as contaminants in the Great Lakes ecosystem. This chemical water pollution threatens fish life, birds, and other wildlife, human health through drinking water supplies and contaminated food, the commercial fishing and tourism industries, and ultimately the economic and social well-being of all of Ontario. Fortunately, with growing public awareness of this threat has come overwhelming public concern and support for stronger pollution control laws and measures to meet the problems head on. Unfortunately, government action has not been as swift.

There are 2 major sources of industrial water pollution problems, direct dischargers, and dischargers to sewer systems. Direct dischargers are those companies whose wastes are sent

directly from the factory into a local stream or lake, and are regulated under the provisions of the Ontario Water Resources Act. Dischargers to sewer systems are more common in heavily urbanized areas or where no lake or river is close enough for convenient use. This second group represents a growing problem, and is not regulated under provincial law. In view of the lack of provincial controls in this case, this report briefly discusses the problem, and makes recommendations for action.

The purpose of this report is not to describe or assess the water pollution problems in Ontario, but to examine Ontario's water pollution control programs, make recommendations for improving them, as well as to evaluate Ontario's recent proposal for reform called MISA.

MISA stands for the Municipal-Industrial Strategy for Abatement, and is the government's new white paper describing proposed reforms to water pollution control programs.

Pollution Probe finds that Ontario's current water pollution control program is seriously lacking. In Pollution Probe's opinion nothing short of amendments to the law, a full overhaul of the program, and the introduction of new programs to deal with "sewering" of industrial waste will allow Ontario to capably tackle toxic chemical water pollution problems in a systematic, comprehensive and equitable fashion. Pollution Probe also finds that MISA falls dramatically short of its goals.

Part 1:

Controlling Direct Dischargers

How clean is clean water?

When water pollution problems were growing in severity in the 1950s, scientists, governments and the public started asking questions about what was happening in our waterways, how were the various pollutants doing the damage, and how much cleanup was needed to restore a state of clean water.

Since some pollutants are natural and always present in water, and since others may not create problems if they are present at low enough levels, most pollution control agencies have set up a series of "acceptably low" or "safe" levels for different pollutants in the water. These numbers serve as targets for initial pollution reductions and as enforceable limits for future polluters. Unfortunately, the law in Ontario only states that the government "may...prescribe standards of quality for...receiving streams and water courses".[1] No standards have ever been set. Instead the Ministry of the Environment (MOE) has preferred to develop unenforceable guidelines (called Provincial Water Quality Objectives) for pollutants, and has tried to persuade industry to reduce their discharges so the Objective levels in the open water are met.

Once governments in Canada and the United States came to grips with the pollution problems they shared in the Great Lakes, they signed the US-Canada Great Lakes Water Quality Agreement. This Agreement, among other worthy goals, set out that the

approach for controlling persistent toxic substances (the worst pollutants) would be "zero discharge".[2]

The Ontario Water Resources Act

The Ontario Water Resources Act (OWRA) is the law used in Ontario for controlling water pollution. The scheme under the Act for tackling water pollution centers around 2 elements; water quality Objectives or guidelines, which set target levels for polutants, and mechanisms for control of industrial discharges, usually called approvals. The Act was passed into law in 1957, and has been amended a number of times since then.

In the 1950s water pollution problems usually revolved around untreated or inadequately treated sewage - a far simpler problem than today's situation where we face hundreds of different chemicals, often invisible to anything but the most modern scientific instruments, many of them with names most people can't even pronounce.

If the authors of the OWRA knew what was ahead, they would certainly have written the law differently. There are major flaws which remain today, and which render the law, and the government programs under the law, far weaker than they need to be.

Discharge "permits"

The OWRA sets up a system of "approvals", which are required only when a company makes a change to a wastewater system, or establishes a new one. It is not an offence to operate without

an Approval. As a result, roughly 150 companies hold Certificates of Approval for their discharges in Ontario, when there are an estimated 300 dischargers polluting the waters in the Province.[3] Since it is not illegal to operate without a Certificate of Approval, these 'unknown' water polluters are not breaking the law. A senior MOE official acknowledged recently that 300 dischargers is only an estimate, "Quite frankly, we don't know how many there are".[4]

Ontario does not have a system to issue licences or permits to water polluters. A true permitting system would require that all dischargers have a permit to operate, and the emphasis of control would be based on effluent quality, not on the pipes and tanks involved in the discharge. Ontario's old system of approving the 'hardware' of pollution control equipment, rather than the quality of the discharge, is outdated, inappropriate, and badly in need of reform.

Certificates of Approval: What's (not) covered:

Since water quality Objectives are not enforceable, specific effluent limits must be spelled out in each Certificate if the Objectives are to be met. Unfortunately, it hasn't happened very often.

A review of Certificates of Approval will show that many do not contain effluent restrictions. The Certificates approve the construction of a wastewater treatment system, or allow the addition of a pipe or tank, or approve an extension of an outfall pipe, all without specifying the pollution reductions expected

from the change. They resemble building permits more than pollution control documents. Essentially, the approvals are for the treatment works, not for the pollution discharge.

Perhaps the biggest single flaw in the system is that even when some restrictions are specified, very few of the pollutants in the effluent are covered. This arises because if the MOE has not set a "safe" level (a water quality Objective) for a chemical it is presumed "innocent until proven guilty." Dozens of pollutants which are known to be in effluents are not monitored, included in Certificates, or controlled in any other way. For example, the Kimberly-Clark kraft pulp mill in Terrace Bay, Ontario discharges over 40 different chemicals, most of which are known to be potentially harmful, and yet the company's effluent is controlled for only BOD (oxygen-demanding material), suspended solids and phosphorous. (See Table 1.) In the chemical valley industrial area near Sarnia an MOE study released in 1985 counted almost 50 US Priority Pollutants (see below) flowing from Dow, Polysar, Suncor and Petrosar into the St Clair River. Yet, (see Tables 2 and 3) the companies are controlled only for very basic "conventional" pollutants in their many Certificates of Approval.

(The US Priority Pollutants list was developed in 1976 as the most common chemical water pollutants in need of control under the US Clean Water Act. It now lists 126 chemicals. This list forms the basis for standards and permits in the US system. Indeed, New York State controls the Hooker Chemical Plant effluent in Niagara Falls New York, for over 70 pollutants, or groups of pollutants, while Ontario controls Dow in Sarnia, a

Table 1: Chemical Pollutants found in Kimberly-Clark effluent 1982/83. (This kraft pulp mill discharges to a creek and then Lake to Superior).

Pollutants in effluent	Ontario controls Kimberly-Clark for:
Tannins	BOD
Sulphate	Suspended solids
BOD	Phosphorous
Phosphorous	
Chloride	
Ammonia	
Mercury	
Aluminum	
Cadmium	
Chromium	
Copper	
Nickel	
Zinc	
Hydrogen sulphide	
Cappric acid	
Lauric acid	
Myristic acid	
Palmytic acid	
Stearic acid	
Oleic acid	
Linoleic acid	
Linolenic acid	
Arachidic acid	
Benzoic acid	
Salicylic acid	
Phthalic acid	
Pimaric acid	
Sandaraco-pimaric acid	
Levopimaric acid	
Isopimaric acid	
Abietic acid	
Dehydro-abietic acid	
Phenols - vanillin	
- homovanillic acid	
- guaiacol	
2,3,4-trichlorophenol	
2,4,5-trichlorophenol	
2,4,6-trichlorophenol	
2,3,4,5-tetrachlorophenol	
2,3,5,6-tetrachlorophenol	
Pentachlorophenol	
Chloroform	

The MOE is currently negotiating with the company for increased dilution.

Sources: Compiled from Preliminary investigation of trace contaminants in Pulp and Paper Mill effluents, MOE July 1986, and Report on the 1984 Industrial Discharges into the Great Lakes Basin, MOE, June 1986.

Table 2:
US Priority Pollutants found in Dow effluents 1979/1980:

	New York State Standards	In Hooker Permit	Ontario Controls Dow
Methylene Chloride			Suspended
Trichlorofluoromethane			solids
1,1-Dichloroethane			Phenols
1,2-Dichloroethane	*		
1,1-Dichloroethylene			
Trans-1,2-dichloroethylene		*	
1,1,1-trichloroethane			
1,1,2,2-tetrachloroethane		*	
Hexachloroethane			
Trichloroethylene		*	
Chloroform	*	*	
Bromoform			
Carbon tetrachloride		*	
Dichlorobromomethane		*	
1,2-dichloropropane			
Toluene		*	
Benzene		*	
Chlorobenzene	*	*	
Ethylbenzene			
Nitrobenzene	*		
1,4-dichlorobenzene	*	*	
1,2,4-trichlorobenzene	*	*	
Hexachlorobenzene			
Bis(2-chloroisopropyl)ether			
Hexachlorobutadiene	*	*	
Fluoranthene			
Pyrene			
Fluorene			
Naphthalene	*	*	
2-chloronaphthalene	*		
Acenaphthene	*		
Di-n-butyl phthalate		*	
Dimethyl phthalate		*	
Bis (2-ethylhexyl) phthalate	*	*	
Di-n-octyl-phthalate			
Diethyl phthalate			
Phenol	*	*	
2-chlorophenol	*		
2,4-dichlorophenol	*		
2,4-dinitrophenol			
2,4,6-trichlorophenol	*		
Pentachlorophenol (42 chemicals)	*		

Ontario controls Dow through 30 Certificates of Approval for Phenols and Suspended Solids.

Table 3: US Priority Pollutants in Sarnia industry effluents 1979/80

	Polysar	Suncor	Petrosar
Methylene Chloride	*	*	*
Trichlorofluoromethane		*	
1,1-Dichloroethylene	*		*
1,1-Dichloroethane	*		
1,2-Dichloropropane		*	
1,2-Dichloroethane		*	*
Trans-1,2-dichloroethylene	*	*	
Trans-1,3-dichloropropylene	*	*	
1,1,1-trichloroethane		*	*
1,1,2,2-tetrachloroethane	*	*	
Trichloroethylene	*	*	
Chloroform	*	*	*
Bromoform	*	*	
Carbon tetrachloride		*	
Toluene	*	*	*
Benzene	*		*
Chlorobenzene	*	*	
Ethylbenzene	*		*
Hexachlorobenzene	*		*
Hexachlorobutadiene	*		
Fluoranthene	*	*	*
Pyrene	*	*	*
Chrysene		*	*
Fluorene	*	*	*
Naphthalene	*	*	*
Acenaphthene	*		*
Phenanthrene/anthracene	*	*	*
Acenaphthylene	*	*	*
Benz(a)anthracene			*
Bis (2-ethylhexyl) phthalate	*		*
Di-n-octyl-phthalate	*		
Di-n-butyl phthalate	*		*
Dimethyl phthalate			*
Diethyl phthalate	*		*
Butyl benzyl phthalate	*		*
4,6-dinitro-o-cresol	*	*	*
Phenol	*		*
4-Nitrophenol	*	*	*
2,4-dinitrophenol	*	*	*
2,4-dichlorophenol			*
2,4-dimethylphenol		*	*
2,4,6-trichlorophenol			*
Pentachlorophenol	*	*	*

Ontario controls Polysar through 28 Certificates of Approval for suspended solids, phenols, oil & grease, nitrogen, and COD.

Ontario controls Suncor through 15 Certificates of Approval for suspended solids, phenols, nitrogen and oil & grease.

Ontario controls Petrosar through 4 Certificates of Approval for suspended solids, phenols, nitrogen and oil & grease.

plant with a similar kind of effluent, for only two. See Table 2.)

Government regulators will plead that it is impossible and unfair to ask industries to reduce loadings of chemicals for which guidelines or standards don't yet exist, or are not yet "proven" to pose a hazard. This is one of the major reasons for the development of a second kind of standard under the Clean Water Act in the United States. "Best Available (pollution control) Technology", or BAT, standards have been developed for almost all types of industry. These standards require industry to reduce effluent levels to those achievable using the best pollution control equipment on the market. These standards avoid, in part, the dilemma of having to wait for proof of hazard before action is taken.

Table 4 is a compilation of what is controlled at the 99 biggest Great Lakes water polluters in Ontario. It is evident that while Ontario tries to control most of its Great Lakes polluters for the "lumps and colours" in their effluents, as Environment Minister Bradley recently said, the major concern in the 1980s, toxic chemical control, is notably absent.

Concentration vs. Total loading

Finally, when industries <u>are</u> required to reduce their dumping of a particular pollutant, the limitation is always expressed as a concentration in the wastewater. This does not control the total amount being discharged (which is just as important as the concentration). Companies can (and often do) dilute the dirty water with cooling or other cleaner water to

Table 4: Numbers of Industrial Dischargers to Great Lakes Controlled for different water pollutants/parameters.

Total number of major dischargers: 99
(MOE June 1985)

Pollutant/parameter	Number of industries controlled according to MOE 1985
Suspended Solids	76
BOD (Biological Oxygen Demand)	45
Phosphorous	37
Nitrogen (various forms)	20
Oil & Grease (as Solvent Extractables)	20
Iron	15
Nickel	13
Zinc	11
Copper	7
Radium-226	6
Lead	6
Cyanide	5
Sulphides & Sulphates	3
Chromium	3
Chlorides	2
Arsenic	2
Sulphuric acid	1
Mercury	1
Fluoride	1
COD (Chemical Oxygen Demand)	1
Vinyl Chloride	1

* Inventory of Industrial Point Source Discharges in the Great Lakes Basin - Ontario 1983, MOE, June 1985.

meet these requirements, resulting in no reduction in the total amount of waste dumped, inflicting similar damage on life in the lake or river as before dilution. Dilution is not the solution to pollution.

Pollution Probe finds that it is extraordinary that in 1986, such minimal requirements are imposed on only half the water polluters in the Province, and the Ministry of the Environment doesn't even know who the other half are.

Unenforceable guidelines and negotiated Approvals.

Pollution control guidelines and water quality objectives do not have the force of law. At present, if significant reductions in water pollution are to be achieved, the MOE must get as much built into a Certificate of Approval as possible. This is not an easy task. Industry negotiators sometimes threaten to pull out of a community and throw people out of work if they are forced to meet tough new requirements. In some communities, the MOE has trouble carrying through with the toughest possible controls. Working from legally enforceable standards to begin with would significantly reduce the pressure for Ministry concessions in private negotiations. These problems have been discussed in detail in Control Orders and Industrial Pollution Abatement in Ontario by R. Gibson, and the reader is referred to that report for more information.[5]

Control Orders, Requirement and Directions, and Program Approvals are other forms of approvals that the Ministry sometimes uses when industries are not cooperating within the

weaker Certificate of Approval process. While Control Orders are a stronger mechanism than Certificates (they have specific compliance deadlines and usually more specific effluent limits) they are subject to many of the same weaknesses listed above; they are negotiated privately, are subject to weakening in these negotiations, they often control only conventional pollutants, and in addition, are subject to an appeal process which often results in long delays.

Shock loadings

Once limits are set, industries are required to monitor their discharges, and send the results once a month to the MOE. The limits, and monitoring are expressed in average concentrations over a period of time (a day, a week, a month or a year). Therefore, very high levels from large batch discharges of waste which, for example, go down the pipe and into the lake in 20 minutes are averaged over a much longer period, and go essentially undetected. This is a problem because fish and other life in the water cannot necessarily tolerate high levels of toxic chemicals even for a short time (regardless of whether they average out to low levels over a long period). Recent research in the Welland River has shown that a polluter with low average discharges but high peaks, does just as much damage to the life in the river as does a polluter with much higher average loadings into the River.[6]

In the United States...

The US Clean Water Act, as passed in 1972, sets out a clear process for establishing permits for all dischargers to natural waters. In New York State, for example (the States often carry out and enforce the national law), there are now legally enforceable open water standards for over 200 chemicals. (See Tables 5 and 6.) These standards, along with the BAT standards, serve as a basis for setting legally enforceable effluent standards for each discharger. The permits expire and are renegotiated every 5 years, and a full analysis of the effluent must be conducted before a new permit can be developed. It is an offence to discharge wastewater without a permit. The standards are holding up in court (as do Ontario's legally enforceable air pollution standards) and are the basis for significant progress being observed in New York State in controlling water pollution from industrial dischargers.

Conclusions

The weaknesses in Ontario's program as set out above are reflected in the release last week of Ontario's annual report on Great Lakes dischargers. Once again, almost half of the major polluters are violating just the minimum requirements that do exist, and there has been no significant progress in bringing these violators into compliance since last year's report. Indeed, this year, for many of the companies, pollution levels increased over the previous year.

Table 5: Substances for which New York State has Legally Enforceable Ambient Water Quality Standards

Acenapthene
Aldrin/dieldrin
Aluminum
Ammonia
Azinphosmethyl
Benzidine
Bis(2-ethyl-hexyl)phthalate
Cadmium
Chloride
Chloroform
Chromium
Cobalt
Cyanide
DDT & metabolites
Diazinon
1,2-Dichloroethane
Dyphylline
Endrin
Gross Alpha radiation
Heptachlor (& epoxide form)
Hexachlorocyclohexanes (HCB)
Hydrazine
Hydroquinone
Isodecyl diphenyl phosphate
Lead
Magnesium
Manganese
Methoxychlor
Mirex
Niacinamide
Nitrate
Nitrite
Parathion & methyl parathion
Total phenols
Total unchlorinated phenols
PCB
Radium 226 + radium 228
Silver
Styrene
Sulphite
2,3,7,8,-TCDD
Theophylline
2,4,5-TP
1,1,2-Trichloroethane
Tritium
Zinc

91 stds

Aldicarb
Quaternary Ammonium compounds
Aminocresols (as phenols)
Arsenic
Barium
Beryllium
Boron
Carbofuran
Chlorobenzene
2-chloronaphthalene
Hexavalent Chromium
Copper
2,4-Dichlorophenoxyacetic acid
Demeton
Dichlorobenzenes
2,4-Dichlorophenol
Endosulphan
Fluoride
Gross Beta Radiation
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hydrogen sulphide
Iron
Total isothiazolones
Linear alkyl benzene sulfonates
Malathion
Mercury
Methylene bisthiocyanate
Naphthalene
Nickel
Nitrilotriacetate
Nitrobenzene
Pentachlorophenol
Total chlorinated phenols
Phenyl ether
Radium 226
Selenium
Strontium 90
Sulfate
Tetrachlorobenzenes
Thallium
Toxaphene
Trichlorobenzenes
Triphenyl phosphate
Vanadium

Table 6: Substances for which New York State has Tentative Standards (enforceable) or Ambient Groundwater Quality Standards

Acrylic Acid
Alachlor
Alkyl diphenyl oxide sulphonates
Aniline
Antimony
Atrazine
Benefin
Benzene
Benzo(b)fluoranthene
Benzo(a)pyrene
Boric acid, borates & metaborates
Bromodichloromethane
Butachlor
Butoxypropanol
Butyl isopropyl phthalate
Carbaryl
Chlordane
Chrysene
Dibromodichloromethane
Di-n-butyl-phthalate
Dicamba
1,1-Dichloroethylene
Dichlorofluoromethane
Diethyl phthalate
Dimethylformamide
2,6-Dinitrotoluene
Diphenyl hydrazine
Dodecylguanidine salts
Ethylene chlorohydrin
ETU
Fluoranthene
Folpet
Hexachlorobenzene
2-Hexanone
2-(2-Hydroxy-3,5-di-tert-penylphenyl)-triazole
Isophorone
Maneb
Mercaptobenzothiazole
Methoxyethylbenzene
Methyl chloride
4-(1-Methylethoxy)-1-butanol
Methyl methacrylate
N-nitrosodiphenylamine
Petachloronitrobenzene
Phenylpropanolamine
Propachlor
Propazine
Pyradine
Acrylonitrile
Aldicarb & methomyl
Amiben
Aminopyridine
Anthracene
Aryltriazoles
Azobenzene
Benz(a)anthracene
Benzisothiazole
Benzo(k)fluoranthene
Bis(2-chloro-ethyl)ether
Bromacil
Bromide
Bromoform
Butoxyethoxyethanol
Butyl benzyl phthalate
Captan
Carbon tetrachloride
5-Chloro-o-toluidine
Dibromochloromethane
2,2-Dibromo-3-nitrilopropionamide & Dibromoacetonitrile
1,1-Dichloroethane
Trans-1,2-dichloroethylene
Dichloropropanes
N,N-Dimethyl aniline
Dimethyl phthalate
Di-n-octyl phthalate
Dithane
Ethyl benezene
Ethylene glycol
Ferbam
Fluorine
Guaifenesin
Hexachlorophene
1-Hydroxy-ehylidene-1,1-diphosphonic acid
Ideno (1,2,3-cd) pyrene
Kepone
MCPA
Methacrylic acid
Methylbenz(a)anthracenes
Methylene chloride
2-Methyethyl-1,3-dioxolane
Nitralin
Paraquat
Phenanthrene
Phorate & disulfoton
Propanil
Pyrene
Simazine

Table 6: Substances for which New York State has Tentative Standards (enforceable) or Ambient Groundwater Quality Standards

Continued...

2,4,5-T	1,1,2,2-Tetrachloroethane
Tetrachloroethylene	Tetrahydrofuran
Thiram	Toluene
o-Toluidine	Tolyltriazole
Tributyltin oxide	1,1,1-Trichloroethane
Trichloroethylene	Trichlorofluoromethane
Trichlorotrifluoroethanes	Trifluralin
Trimethylbenzenes	Trimethylpyradine
Vinyl chloride	Xylenes
Zineb	Ziram

117 substances with guidelines or groundwater standards

Recommendations for reform

The government should:

Approvals:

1. Amend Section 24 of the OWRA to add that no discharger may operate without a Certificate. This will make Certificates into true permits.
   A schedule for bringing the remaining unknown dischargers onto the system should be developed.
2. Require a full analysis of all pollutants in an effluent before any approvals are given.
3. Amalgamate all effluent limits and Certificates into a single document for each discharger.
4. Impose a 5 year life on all approvals. This expiry will provide for a regular reevaluation of progress. If there are no problems with the discharger and no better available technology for use, the new approval should be routine and a minimum of trouble.
5. Include effluent limits for all chemicals of concern in the discharge.
6. Establish Best Available Technology (BAT) standards for improvements that can be reasonably accomplished beyond those required by individual chemical standards.
7. Include "peak" effluent rate standards in approvals to avoid shock loadings.
8. Establish a goal of zero discharge of carcinogens, other genotoxins and persistent toxic substances in effluents.
9. Establish an Effluent Standards Advisory Committee, open to the public, to set generic BAT and shock loading standards.
10. Open up the approvals negotiating process to more public involvement.

Water quality standards:

11. Change the existing Provincial Water Quality Objectives into enforceable ambient water quality standards. The legal authority to do so already exists in Section 44 (1)(h) OWRA.
12. Establish an Environmental Standards Advisory Committee, open to the public, for new ambient standard setting.
13. Set ambient standards for as many more individual contaminants as possible, on a priority basis. It is likely that certain water bodies will be more sensitive to some contaminants than others - additional control can be added on top of the basic standard where necessary.

Annual Reporting:

14. Include in next year's annual compliance report all water polluters in Ontario, not just those discharging to the Great Lakes.

MISA and Direct Dischargers

The government's new strategy for dealing with direct dischargers is twofold. First, Best Available Technology Economically Achievable (BATEA) is proposed across the board for all dischargers. These limits would be prepared for each industrial sector, imposed by special regulation under section 136 (1)(b) of the Environmental Protection Act, and also be expressed in individual Certificates of Approval. As a second stage, MISA then proposes that water quality studies will be undertaken, to determine if any exceedances of Objectives are occurring. If so, better technology for clean up will be imposed on the sources of the violating pollutants.

Pollution Probe believes that the BAT approach is, in principle, a good one. However, in the United States where it has been developed, there have been long, drawn out debates about just what is the best technology for a given purpose, and then again, over what is economically achievable.[7] Although it is not clear in the MISA white paper how these problems will be avoided in Ontario, rapid progress in pollution control will only be achieved if these issues are resolved openly and as quickly as possible.

It appears from the white paper (the document is ambiguous) that the difficult questions of defining best, and economically achievable will be delegated to Technical Committees, which include the affected industry, and to the Joint Advisory Committee.

The importance of fair representation on these committees cannot be understated. Pollution Probe believes that the technical committees need not have members of the public as committee members. However, we believe strongly that meetings of these committees should be open for anyone who is interested to attend. Although much of the information at this level will be technical in nature, there is no such thing as a value free decision, and important value judgements will be made at this level. They should not be taken in secret. Once a proposed BAT standard is completed, the draft regulation, the reasons for rejecting other options and full justification for the preferred option should be set out in a criteria document and be made fully public with sufficient time for comment.

Pollution Probe also believes strongly that industry should not be represented on the Joint Advisory Committee. It is more than a truism that those who control the information input to a process exert strong influence over the outcome of that process. Industry will be well represented on the technical committees, and it is assumed the technical committee reports will go to the Minister (the document is again ambiguous), affording extensive opportunities for industry to participate in the process. The Joint Advisory Committee should not even appear to have any self-interested members.

A review of the above recommendations for reform finds that MISA goes only half way in reforming the system. The proposal does not envision setting legally enforceable water quality standards, it does not propose any way of preventing shock

loadings, it **does not** propose a zero discharge policy for carcinogens, and it **does not** contemplate any change to make Approvals real permits. In Pollution Probe's view, BAT standards by themselves are a step forward, but are not a substitute for water quality standards, and/or for a comprehensive, enforceable permit system. Pollution Probe urges the Ministry of the Environment to incorporate further reforms, as outlined above, into the MISA plan.

Part II:

Discharges via sewers

Introduction

When most people think of pollution from sewer systems, images of untreated sewage and closed beaches come to mind. The fact that public sewer systems have become a major conduit for toxic industrial waste to reach our lakes and rivers has been virtually unknown. Yet, the problem is just as serious, and in some ways, far more serious than the pollution from direct industrial dischargers.

The Ministry of the Environment (MOE) estimates that there is just as much toxic pollution flowing from Ontario's municipal treatment plants into our waterways as there is directly from industries.[8] In addition, the proportion of industries dumping their wastes into sewers is increasing rapidly as more companies close down direct discharges and hook into local sewer lines.[9] There are only some 300 direct industrial dischargers in all of Ontario, but the MOE estimates that at least 11,000 industries are discharging their wastes into municipal sewer systems.[10] The monitoring and enforcement that will be required on this number of polluters makes the prospect of control a far bigger undertaking than control of the direct dischargers.

Pass-through, plant upsets, air emissions and poisoned sludge

How much of a problem is it? An MOE study of 9 sewage treatment plant (STP) effluents in 1979/80 found over 270

different chemical pollutants flowing through the plants into the Great Lakes.[11] This study did not analyse for metals, PCBs or pesticides, which would have extended the number of pollutants to well over 300. Since Ontario has so few ambient water quality Objectives, it is difficult to fully evaluate the impact these contaminants have on the environment, but the MOE did conclude that for 9 of the pollutants measured, the amounts exceeded an Ontario Objective or that of another jurisdiction. The major conclusion to be drawn is that STPs are not designed to treat industrial waste, and that they cannot be counted on to protect lakes and rivers in Ontario from those toxins.

Quite apart from the chemicals that pass through STPs into the water, industrial waste in the sewers causes a number of other problems. When large amounts of toxic waste flow into a STP, it can interfere with the sewage treatment process, sometimes completely "knocking out" the plant; the waste kills the bacteria that break down sewage. Another problem develops when treated sewage solids (called sludge) become too contaminated to be used safely as fertilizer on farmland - an otherwise good use of sludge. Finally, there are many unaccounted pathways for industrial waste to get into the environment once it is dumped in the sewers; overflows of sewage during storms, evaporation from sewer mains and STPs, and sludge burning or burying practices that are virtually unstudied. A recent US study has shown that a major problem exists with volatile chemical pollutants being dumped into sewers. The study found that more pollutants are released into the air at STPs than

pass through into receiving waters or are deposited into the sludge.[12] (See Figure 1 for routes of escape into the environment for sewered pollutants.) It is readily apparent that preventing industrial wastes from entering the sewer system will be the simplest way of avoiding all of the various problems that can come of it.

In view of the scale of pollution problems posed by industrial waste dumping into sewers it almost unbelievable that the practice is unregulated by provincial pollution control laws.

In Pollution Probe's view, control of industrial waste dumping into municipal sewers is the major challenge in water pollution control for the future.

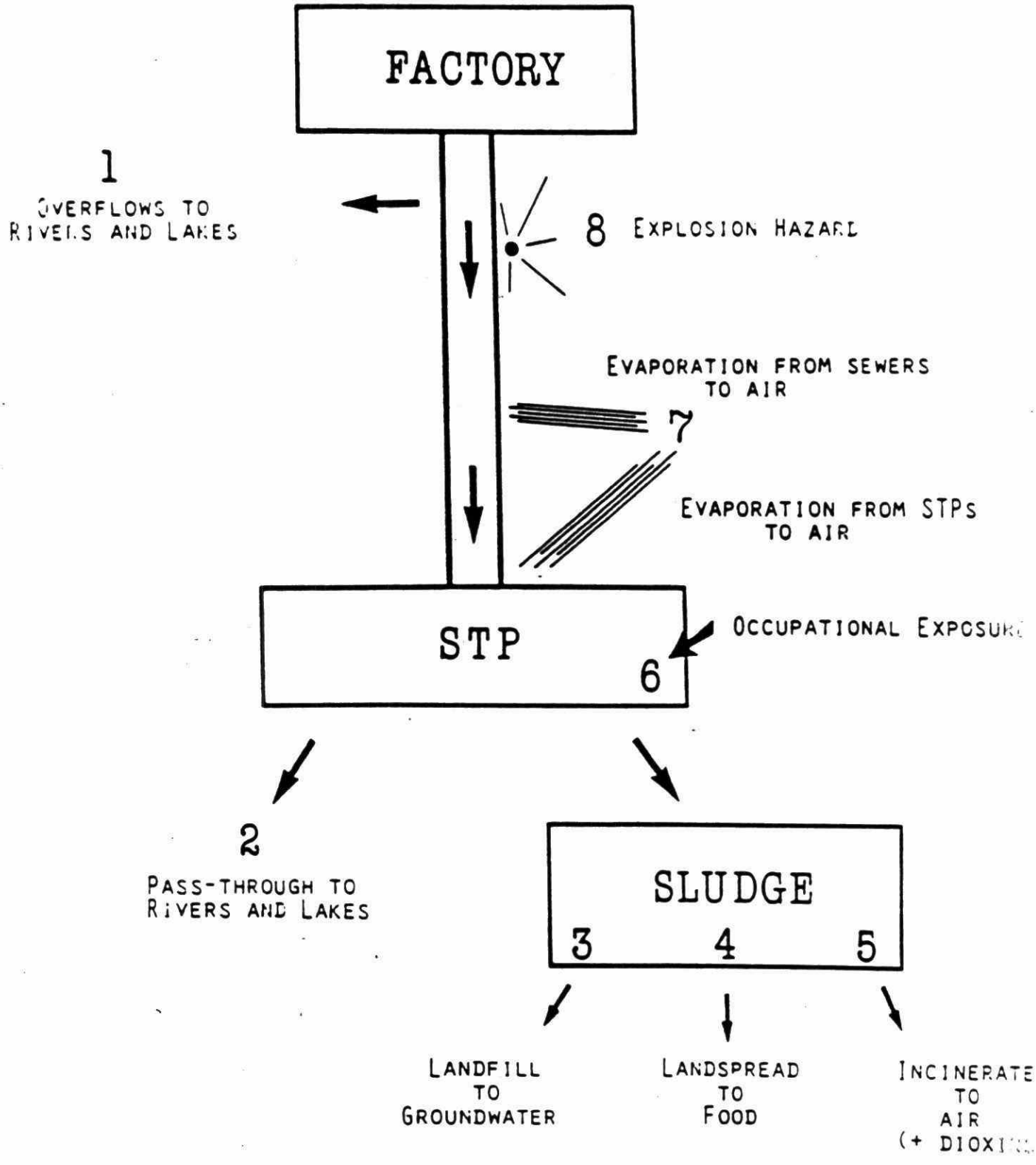
Who's minding the sewers?

Ontario does not regulate toxic waste discharges into sewers. The responsibility is left to the owner of the sewer system - the municipalities - to control, if they want to. Yet, the incentive for control is absent. Sections 16(5) and 24(5) of the OWRA specifically exempt municipalities and their sewage systems from having to meet Ontario's water quality requirements - by making them immune from prosecution.[13] Perhaps an even larger loophole in the Act is that it does not, in legal language, "bind the Crown".[14] This means that STPs owned and operated by the Province (roughly half of them) are also exempted from requirements under the Act - a double exemption.

FIGURE 1

8 THREATS TO HEALTH & THE ENVIRONMENT

WHEN INDUSTRIAL WASTES ARE SEWERED



Sewer Use Bylaws

For those municipalities that want to exercise some form of control over industrial discharges to their sewers, a model "sewer use bylaw" was drafted by the province over 10 years ago. The bylaw was intended to protect the sewage treatment plant from sudden toxic surges that might upset the treatment process, and so the main requirement in the bylaw is to dilute toxic wastes down to a few parts per million before discharge to the sewer. Of course, this may well protect the treatment process, but it does not protect the water that the STP discharges to, (since the same amount of waste is discharged), or prevent the sludge from being contaminated. Of course, a model bylaw is not a law until a municipality adopts it and makes it law. It is not known how many of the provinces 400 or so STPs are covered by sewer use bylaws, but coverage is likely not complete. Ottawa-Carleton, for instance had no bylaw until one was passed in 1984 after a STP was temporarily knocked out of service by a large discharge of copper. Ottawa hopes to have an enforcement program in 1987.[15]

Environment Canada carried out a study in 1983 to investigate how sewer use bylaws are implemented and enforced in various muncipalities in Canada where bylaws exist, including 12 in Ontario.[16] The study found numerous problems, including the following:

1) One fifth of the municipalities studied had regular problems with toxic waste interfering with the sewage treatment process, and with toxic metals in sludge making it unfit for agricultural

use.

2) The number of chemicals covered (restricted) in different bylaws is highly variable. London's bylaw covers 30 pollutants; Belleville's covers 14. Many common toxic metals were commonly not covered in the bylaws. These and other pollutants for which Ontario has ambient water quality Objectives are often not covered.

3) Enforcement activity also varies considerably among municipalities. Belleville and Orangeville were found not to have any staff or budget for routine monitoring and enforcement activities, even though they have bylaws on the books.

4) Fine provisions in the bylaws varied from no fine provisions up to the legal maximum for any municipal bylaw offence, $2,000.

5) Half the municipalities were found never to have prosecuted polluters under the bylaw. The municipalities are uneasy about attempting vigorous enforcement of the bylaws due to the lack of "teeth" in the bylaws, the high cost of prosecuting relative to the small maximum fines which could be obtained, and the questionable legality of a number of provisions in the bylaws.[17]

Even in cases where municipalities are trying to control sewer dumping, there is evidence that industries do not take these offences very seriously, often flaunt the bylaw limits, and continue polluting without penalty.

* Plastic Surface Finishers Ltd. in Whitby was repeatedly charged (169 times in all) with violations of Durham Region's bylaw up until March 1985. At that time, Durham Council dropped the charges in a controversial decision after the company agreed to

"clean up its act".[18]

* A second Environment Canada study on metal platers found that half of the companies dumping cyanide into sewers in Ontario and Quebec were not treating or monitoring the discharges, and that many companies were violating the model bylaw limits for cadmium, chromium, copper, nickel and zinc.[19]

* The celebrated JETCO and B.E.S.T. plating cases in Metro Toronto, although partially successful, illustrated the companies' cavalier attitudes, and the fact that they got away with not paying fines, or cleaning up their plants for years. In the end, they were successfully prosecuted for contempt of court, not for pollution charges under the bylaw.

Metro Toronto deserves credit for the vigour with which it is pursuing polluters of the sewage system. Pollution Probe does not believe, however, that Metro's apparent success can be easily transferred to all other muncipalities in Ontario. First, Metro has more financial resources than most other municipalities for supporting a large monitoring and enforcement staff and capability. The time necessary (12 years) between first charges and final conviction for over 50 offences each, suggests a cost for bylaw enforcement that few municipalities could even consider. Second, Metro, by virtue of its size, can stand up to polluters in a way that small municipalities could not dare to stand up to one of the few major employers in their town. Third, Metro went to extraordinary legal lengths to pursue the JETCO and B.E.S.T. companies - lengths which could not be justified on a routine basis. They had to do this because of the inherent

weaknesses in sewer use bylaws as enforcement tools. Metro was "lucky" in the end that the polluters violated a court order (therefore being subject to contempt charges), since they would likely not have won as strong a sentence under a bylaw conviction.

Conclusions

It is Pollution Probe's view that municipalities cannot and should not be expected to handle the major water pollution problem in Ontario on their own. While improvements to sewer use bylaws could improve the situation, these bylaws have inherent limitations which cannot be rectified. Pollution Probe believes strongly that it is time for the Province to step in and set provincial Best Available Technology standards for pretreatment of wastes prior to discharge to sewers. This could be a simple basis for province wide control measures on the most important source of water pollution in Ontario.

In the long term, Ontario's policy should be that industrial wastes not go into municipal sewers at all. Sewer systems were, after all, designed to handle biological waste, not industrial chemicals. Industrial waste streams should be gradually removed from sewer systems and sent to specialized, dedicated industrial waste treatment, recycling and disposal facilities such as Tricil, Breslube or the Ontario Waste Management Corporations future facility.

Recommendations for reform

The government should:

1. Adopt a long term policy of phasing outthe use of Ontario's municipal sewers for disposal of toxic chemicals and metals. Studies should be launched immediately to develop a program for sending currently "sewered" waste streams to proper facilities.

2. Establish province-wide BAT pretreatment standards for all dischargers to the sewers.

3. Amend the Ontario Water Resources Act to a) bind the Crown and cover their own STPs, and b) remove the immunity from prosecution enjoyed by municipalities. They should be subject to the law, just like any other water polluter.

Part III:

Conclusions

It is apparent that Ontario's pollution control programs are not meeting the challenge of keeping industrial water pollution under control in Ontario.

The report released last week showing another year of no improvement in bringing industrial polluters of the Great Lakes into compliance with even the minimal standards expected of them is powerful evidence of the need for major reform.[21] That report says nothing about the estimated 150 unknown industrial polluters in Ontario, or the 11,000 industries which discharge to 400 sewage treatment plants which represent a bigger problem. The Liberal government seems to agree, and just over a month ago Environment Minister Bradley released a series of proposals called MISA, which he hopes will meet the challenge he has set for himself of "virtual elimination of toxic contaminants into waterways".[22]

Direct dischargers

Pollution Probe believes that the adoption of a Best Available Technology (BAT) approach, is, in principle, a good one. However, it is already apparent that <u>best</u> will not necessarily mean best, because a) the white paper does not define best, but leaves it to (apparently) secret government-industry committees to define, and b) the qualifier Economically Achievable is placed after BAT. Defining what is economically

achievable is also left up to the committees to work out. A final non-technical committee is proposed, with membership from the public, government and industry, for advising the Minister on these matters. Pollution Probe believes that meetings of the technical committees should be open to whoever wants to attend, and that industry should not be represented on the final Joint Advisory committee. Industry will be well represented at the earlier technical level, and we believe that the final committee should rigorously avoid the bias of having any self interested members.

Sewer Dischargers

MISA sets a worthy goal of reducing contaminants "at source before they escape into the environment."[23] However, the silence in the white paper on new programs to deal with sewering of industrial waste leaves a loophole in Ontario's water pollution control program big enough for 11,000 industries to pour their waste through. The US Clean Water Act sets up 2 parallel programs and sets of standards for pollution control, direct discharge standards, and sewer use standards. With the exception of a few sentences confirming the existing programs for sewer dischargers, MISA is almost totally concerned with control of direct dischargers. In Pollution Probe's view, the white paper should really have been called ISA, since the M (for municipal) component is absent.

Pollution Probe believes that 3 major changes are needed to deal with sewering of industrial waste.

1) A long term goal of zero discharge of industrial waste into municipal sewers should be adopted, and a program developed to achieve it.

2) A set of BAT pretreatment standards should be developed and implemented for dischargers to sewers. This should be done in parallel with development of BAT standards as proposed for direct dischargers.

3) Amend the OWRA to make municipalities responsible for their water pollution, just like any other water polluter.

Unless major improvements are made to the MISA proposal on the side of sewer discharges, it will miss the boat on controlling the most important source of water pollution in Ontario.

Endnotes

1. Ontario Water Resources Act, Section 44(1)(h), R.S.O. 1980.

2. US-Canada Great Lakes Water Quality Agreement, 1978.

3. MISA, p. 3, Ministry of the Environment, June 1986.

4. Personal communication from Peter Crabtree, Assistant Director, Water Resources Branch, MOE, July 25, 1986.

5. R. Gibson, Control Orders and Industrial Pollution Abatement in Ontario, Canadian Environmental Law Research Foundation, 1983.

6. M. Dickman and P. Potter, Evaluation of the impact of shock loading to the microbiota of the Welland River and its relationship to sampling method. Presented at the International Association for Great Lakes Research 29th Conference, Toronto, May 26, 1986.

7. Personal communication from Jessica Landom, Natural Resources Defence Council, Washington D.C., July 28, 1986.

8. J. Hawley, in Proceedings of Industrial Waste Discharges to Municipal Systems, MOE, May 15, 1984.

9. Ibid., p. 4.

10. Supra note 3, p. 3

11. G. Craig et al, A survey and evaluation of organic compounds in nine sewage treatment plant effluents in southern Ontario, MOE, 1984.

12. Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works, US Environmental Protection Agency, February 1986.

13. Supra note 1.

14. In Ontario, unless a statute specifically states that it Binds the Crown, it does not. The OWRA does not.

15. Geoffrey York, Municipal enforcement of anti-pollution bylaws haphazard, The Globe & Mail, March 17, 1986.

16. The Ontario municipalities included in the study were Barrie, Belleville, Durham Region, Guelph, Halton Region, London, Niagara Region, Orangeville, Peterborough, Stratford, Waterloo and Windsor.

17. Sewer Use Bylaw implementation and enforcement; current and recommended practices, unpublished study of the Environmental Protection Service, Environment Canada, February 1986.

18. Durham drops charges that factory is a polluter, Toronto Star, March 14, 1985.

19. Overview Assessment of the Canadian Metal Finishing Industry: Status and Measures for Pollution Control, unpublished stud, prepared for Environment Canada, October 1985.

20. Supra note 4.

21. Report on the 1984 industrial discharges into the Great Lakes basin - Ontario", MOE-Environment Canada, June 1986.

22. Supra note 3, p 7.

23. Ibid, p 3.

M.I.S.A. 1215

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☐ ☒
☐ ☒
☐ Return with ☐ Background
☐ Comments ☐
COMMENTS:
J. Keary
DEC 5/86

November 12, 1986

Hon James Bradley
Minister of the Environment
135 St Clair Ave West, 15th floor
Toronto, ON
M4V 1P5

RE: 230 MORE LOOPHOLES IN MISA

Dear Sir,

The MISA program to control water pollution holds promise for making a big difference in the future of water pollution control in Ontario. Pollution Probe has already commented on a number of aspects of the proposal in our report published in July. We feel obliged, however, to draw to your attention a major series of loopholes which has not been widely discussed, and which MISA does not contemplate reforming.

There are roughly 400 sewage treatment works in Ontario, ranging from giant secondary treatment plants for major cities to tiny lagoons for small towns. Many of these are owned and operated by the local municipalities they serve. However, many are owned and operated by the Ministry of the Environment. This amounts to over half the sewage treatment works in Ontario, and a quarter of the total sewage flow into our waterways. **Because Ontario's water pollution law (the OWRA) does not bind the Crown, over half the STPs in Ontario are exempted from prosecution under Ontario's clean water law.**

We are aware that the enforcement bill will be closing the loopnole that now leaves even the municipalities immune from prosecution, but we are unaware of any initiative to make the majority of STPs in Ontario - those owned by the Ontario government - subject to the law. **In our view the government should remove this exemption at once, either through the enforcement Act or through a separate amendment to the Ontario Water Resources Act.**

...2

The government of Ontario is now the biggest water polluter in the Province. It is hard to imagine any rational argument for allowing it to continue to be above the Province's water pollution law.

I would welcome a meeting with you or your staff to discuss this matter further.

Sincerely,

Kai Millyard
Researcher

cc. Ruth Grier, M.P.P.
Susan Fish, M.P.P.
Neil Mulvaney
Walter Giles
Members of PILCOWI

M.I.S.A. - MILLYARD

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Environment Ontario
SEP 10 1986
09M1029
COMMENTS:
Background
Comments
FROM: CORRESPONDENCE CENTRE
REPLY BY:

September 8, 1986

The Hon. James Bradley
Minister of the Environment
135 St. Clair Ave W.
Toronto, Ontario
M4V 1P5

RE: WATER POLLUTION AND MISA

Dear Mr. Bradley,

You are aware that one of Pollution Probe's main concerns with your Ministry's MISA proposal is the conspicuous absence of a program for dealing with sewering of industrial wastes. It has been argued that MISA leaves open the possibility of the kind of reforms we propose in that area, since the municipal sector is included as the 9th sector in MISA's regulation-making process.

However, the 9th sector is not projected to come up for consideration until 1989. This is far too long a wait before tackling the major water pollution problem in Ontario. Pollution Probe stated in our MISA comments earlier in the summer that the process of setting BAT standards for direct dischargers should also be carried out for sewer dischargers along the same timeline.

Pollution Probe urges you to amend the MISA schedule by

a) removing the municipal sector as the 9th priority for control, and
b) launching a parallel set of sector-specific regulation-development advisory committees to draft sewer-use BAT pretreatment standards on a similar timeline to the direct discharge BAT standards.

There is no excuse for waiting until 1989. Remember that only a few hundred dischargers are dumping directly into Ontario's waterways, whereas over 11,000 are discharging via sewers. **A decision not to move more quickly is a decision to ignore the most important water pollution problem in Ontario.**

Please consider this letter an addition to our earlier brief. We are, of course, willing to meet with you or any of your staff to discuss these proposals further.

Sincerely,

Kai Millyard
Researcher

This paper contains post consumer waste fibre.

To:
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CANADIAN ENVIRONMENTAL LAW ASSOCIATION -

CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION
THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION

243 Queen Street West, Toronto, Ontario M5V 1Z4 (416-977-2410)

September 17, 1986

The Honourable James Bradley
Minister of the Environment
15th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

On behalf of the Canadian Environmental Law Association and the Canadian Environmental Law Research Foundation, I am submitting our comments on the proposed Municipal-Industrial Strategy for Abatement. We sincerely hope that our comments will assist you in establishing a solid foundation for controlling water pollution in Ontario.

Yours truly,

Frank Giorno
Director of Research
Canadian Environmental Law Association

/lg
Encl.

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SEP 18 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

The Canadian Environmental Law Association
The Canadian Environmental Law Research Foundation
243 Queen Street West, Toronto, Ontario M5V 1Z4 (416-977-2410)

JOINT SUBMISSION BY THE CANADIAN ENVIRONMENTAL LAW ASSOCIATION AND THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION ON THE PROPOSED ONTARIO MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA)

Prepared by
Frank Giorno, CELA
David Scriven, CELRF
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With the assistance of
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September 17, 1986

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I. INTRODUCTION

The Canadian Environmental Law Association (CELA), founded in 1970, is a public interest environmental law group. Since 1980, CELA has focused both its casework and law reform efforts in the area of toxic chemicals, hazardous wastes and pesticides.

CELA has represented numerous citizen and environmental groups in relation to the contamination of surface and ground water supplies caused by industrial activities, leaky landfills and other sources. CELA has also co-authored with Pollution Probe an article on the need for a Safe Drinking Water Act in Canada and helped organize the first national conference on Critical Issues on Drinking Water Quality held in Ottawa, February 1983. As well, CELA presented a submission to the Inquiry on Federal Water Policy in 1984.

Through CELA's cases and research, CELA staff have become acutely aware of the fragile nature of our water resources and their susceptibility to chemical contamination. CELA has also become aware of major gaps in water quality laws, policy and enforcement at both the federal and provincial levels which need to be addressed.

The Canadian Environmental Law Research Foundation (CELRF) was founded in 1970 as an independent research organization. The

Foundation shares office space and works in close partnership with its sister organization, the Canadian Environmental Law Association.

The primary focus of the Foundation's research activities is toxic chemical contamination of the environment. With respect to procedural matters, attention is centred upon the interface between science and environmental law, the nature of the political, administrative and jurisdictional framework and the problems this creates for pursuing an integrated, holistic environmental protection and assessment process. The Foundation carries out research in environmental law and policy areas related to these and other issues and disseminates the results of that research by means of its publishing and conference programs. The Foundation's best known publication is Environment on Trial (CELRF, 1978) a comprehensive guide to Ontario environmental law. Others include Environmental Rights in Canada (Butterworths, 1981), and, most recently, The Regulation of Toxic and Oxidant Air Pollution in North America (CCH, 1986). The Foundation is also publisher of the Canadian Environmental Law Reports, the only environmental law reporter in Canada.

Since April of 1984, the Foundation has carried out a study of legal reforms required to facilitate citizen intervention across the U.S. - Canada border in transboundary pollution cases. The Foundation has since done further work in the transboundary area

by initiating in 1986 a study of standard-setting in the American and Canadian jurisdictions of the Great Lakes ecosystem.

A. THE NATURE OF THE ENVIRONMENTAL PROBLEM

The value of Ontario's water resources cannot be measured. Water quality is the number one environmental issue of concern to the Canadian public. As well, environmental matters generally continue to be at the top of the public agenda. The reasons for this concern are largely traceable to the "fall-out" of the so-called "chemical revolution" that began with World War II and brought about the massive introduction of synthetic organic chemicals into the marketplace. Since many of these compounds are not easily degradable, they remain in the environment and enter both surface and ground waters from a number of pathways. These include:

- industrial effluents and impoundments
- urban and agricultural run-off
- municipal sewage
- underground injection wells
- mining and petroleum development
- accidental spills
- illegal waste dumping
- primitive methods of waste disposal in landfills, and
- toxic airborne pollutants.

Often, because of long latency periods, effects on human health and the environment are not known until many years after the introduction of the chemical. The health effects produced by persistent chemicals and their impacts on the aquatic environment is the major environmental concern of our time. The Great Lakes Water Quality Board's 1985 Report on Great Lakes Water Quality, submitted to the International Joint Commission, established persistent toxic substances in the Great Lakes ecosystem as the major focus of the Board now and in the foreseeable future. Some of the chemicals present in the Great Lakes are known to produce adverse affects at the concentrations presently found in the ecosystem. Others are harmful at greater levels of concentration. The Board stated that emphasis must be placed on the prevention of further pollution, but the Board also called for strong efforts to develop effective and efficient responses to existing problems.

The stated goal of the regulatory measures proposed by the Great Lakes Water Quality Board is the prevention of entry of persistent toxic substances into the Great Lakes. In setting this objective, the Water Quality Board echoed the intent of the Great Lakes Water Quality Agreement, 1978, which called for "virtually eliminating the input of persistent toxic substances and controlling effluent to zero discharges." By virtue of the 1978 Great Lakes Water Quality Agreement, governments of the U.S., the Great Lakes states, Ontario and the Canadian federal Government have committed themselves to take "all reasonable and practical steps

to restore areas of the Great Lakes that have been adversely affected by persistent toxic substances." The goal of the agreement is to enlist the co-operative effort of these governments to identify raw materials, processes, products, by-products, waste sources and emission of persistent toxics, and to find out how much of a substance is being produced, discharged, transported and disposed, in order to reduce the discharges of all persistent toxic substances.

B. GENERAL COMMENTS ON MISA

MISA takes some steps to accomplish the objectives of the 1978 Great Lakes Water Quality Agreement and has the potential for reducing pollutants from point sources located in Ontario. The key question arising from the MISA proposal is: at the end of the day, after the MISA proposal is implemented, will there be any measurable improvement in the quantity and quality of the effluent discharged into the aquatic environment? More importantly, will the MISA approach lead to a significant improvement in water quality over what exists today? How these questions are answered will depend greatly on how MISA is developed, implemented and administered.

From what has been proposed, it is clear that a real reduction in total loadings from point source dischargers is possible. Whether that is accomplished depends on a number of variables:

1. the definition of "best available technology";

2. the legislative and regulatory framework under which MISA will be developed;
3. the role of public participation;
4. the approvals and enforcement system;
5. the collection and interpretation of baseline data collected under the monitoring regulation, and;
6. who pays the costs associated with implementing the program.

From what has been proposed in MISA, it is clear that only a portion of pollution sources will be addressed - point sources. A significant contribution to pollution loadings into the Great Lakes and other receiving bodies of water is from non-point sources, such as:

1. urban run-off and agricultural run-off;
2. atmospheric deposition; and
3. deposits from other jurisdictions.

If MISA is to be truly considered an ecosystem approach to tacking the water pollution problem, the Ministry of the Environment must in short order develop programs to abate the non-point source loadings into the Great Lakes and other receiving bodies of water.

Despite these limitations, MISA is a significant step forward towards implementing the objectives of the Great Lakes Water Quality Agreement, 1978. Since this is only the first step,

special care should be given to establishing a firm foundation for the next stages.

The CELA/CELRF comments will evaluate the MISA proposal and recommend measures that we hope will lead to the establishment of a firm foundation upon which the Province of Ontario can develop a workable and effective water pollution control system.

II. MISA - GOALS AND CONCEPTUAL APPROACH

In establishing the MISA proposal, the Ministry of the Environment adopts the language of the Great Lakes Water Quality Agreement, 1978. The "ultimate goal" of MISA is described as the virtual elimination of toxic contaminants in municipal and industrial effluents to water in order to reduce the risk of harm to human health and the environment. The approach that will be taken is to evaluate the assimilative capacity of individual bodies of waters and set a total loadings limit for each. In addition, control of individual sources will focus on technological capability in the industry sector to which each source belongs.

MISA's ultimate goal is a laudable one to form the basis of a water quality control strategy. By using the language of the 1978 Great Lakes Water Quality Agreement respecting persistent toxic substances, Ontario can be seen as adopting the approach of

the Agreement for all waters of the Province, an important step forward.

While the Province should be applauded for setting this goal, it is clear that the MISA is only the first step toward implementation of that goal. The goal of virtual elimination of toxic inputs to water must go beyond addressing toxic contaminants in direct discharges and address non-point sources of contaminants, such as atmospheric deposition, run-off from land and groundwater. To assess total loadings allowable to a water course and then only address point source discharges is, in some cases, to ignore the major contributors of toxic contamination. Thus, while the Ministry admits it lacks the technical information necessary to implement an ecosystem approach, it is important that this goal be set now as the basis of evaluating program development and setting research priorities into the future. This is the approach of the GLWQA.

It is not clear that even the limited interim goals of MISA can be readily achieved. One of the major limiting factors in all facets of implementation is the question of cost and the apportionment of responsibility for the financial burden of a cleaner environment. MISA purports to reinforce the polluter pays principle but it is clear from the Ministry of the Environment briefing session that little if any thought has gone into the issue of ability to pay for technological improvements and monitoring, and how the possible lack of such ability will affect achievement of

MISA's goals. It is our view that consideration should be given at an early stage to the considerable financial resources which will be required from both the public and private sectors if MISA is to be successfully implemented.

Overall, there are a number of changes in the existing approach to water quality management that we support. These include use of a cap on a source's discharge, focus on best available technology and support for public participation in the standard-setting process. We also support the conceptual shift from effluent concentration to one based on the assimilation capacity of a receiving body; however, we require more information on what the MOE means by assimilative capacity.

III. GAPS IN PROPOSED FRAMEWORK

However, we believe that there are serious gaps in the proposed approach, including the following:

- Failure to adequately address the complex problem of discharges to sewers. This is left to individual municipalities and the existing problems of inconsistent controls due to inconsistent resources is left unresolved;

- Continuation of the use of mixing zones. For persistent toxic substances, reliance on assimilative capacity of a watercourse amounts to false security;

- Failure to contemplate transboundary loadings and transboundary effects. Many of Ontario's waters are shared with other jurisdictions and failure to consider the impact of loadings from and on other jurisdictions means the physical connections are not taken into account;

- Reliance on existing abatement tools and approvals without evaluation of their appropriateness in this new context. One of the most serious criticisms of relying on existing procedures is that they exclude public involvement from crucial steps in the MISA implementation process.

- The exclusion of public involvement from the abatement and enforcement process is inconsistent with MISA's professed emphasis on the importance of public participation. There also is a need to consider funding to ensure that participation on the advisory committee and elsewhere is meaningful;

- Lack of a legislative basis for many of the elements of MISA. Failure to enshrine procedural protections in legislation and lack of a legislative basis for setting standards, in particular the lack of criteria for setting Best Available Technology (BAT) means MISA is primarily a policy document,

subject to change with the next change in government. Ontario's water management program has never been legally enforceable and the time is ripe to have the Ministry's commitment to this long-term strategy put into legislation;

- Lack of criteria for establishment of BAT, in particular, lack of criteria for determination of what is economically achievable. It is our concern that too much emphasis on short-term economic considerations in particular industries at the expense of long-term environmental protection will result from the presence of industry representatives at every stage of the MISA implementation process, while public involvement is confined to the advisory committee whose role will be to review the already-negotiated regulation.

- The failure to address the issue of costs.

IV. COSTS

From the description of the scope of the activities it is obvious that, for the MISA program to be successful, substantial financial resources must be devoted by both the public and private sectors. However, the question of cost is not raised in the white paper. Cost questions have to be addressed immediately and clarified:

- How much will MISA cost?

- Who will pay (i.e., what will the split be between federal, provincial, municipal and industry contributions)?
- Will there be financial subsidy for industry?

We recommend that the MOE produce calculations concerning the cost of MISA as soon as possible. Information on costs should be provided to the public for comment as soon as it is available.

V. LEGISLATIVE BASIS FOR MISA

The existing water quality management system in Ontario is grounded in the Ontario Water Resources Act and the Environmental Protection Act, but few of the important components are found in legally-enforceable instruments. For example, the MOE's water management programs for quality and quantity are outlined in policies and guidelines found in the so-called Blue Book, not in regulations. In legal terms, if requirements are not put into statute or regulation, the duties imposed are not enforceable, but are merely "directives".

From information received at the briefing session, it appears that no changes are contemplated in either statute to bring MISA into force and only some of the components of the strategy will be put into regulations. This means that many of the important elements of the strategy will be matters of policy, not legally safeguarded. This is true for the procedural protections for

public involvement, access to information, scheduling of MISA implementation, and the criteria for determining BAT and water quality impacts. Such policies can be varied internally within the MOE, without any public scrutiny. It is our view that such important protections should be put into legislation.

A further issue is whether there is a basis in existing legislation for the parts of MISA that will be put into regulations. Two regulations are proposed: the monitoring regulation and the Best Available Technology Economically Achievable (BATEA) regulations (one per industry). It is questionable whether there is authority in the statutes in absence of amendments to make the contemplated BATEA regulations.

A rule of administrative law is that the authority to make regulations must be given explicitly in a statute and that the regulations must not go beyond the scope of the power conferred. In addition, regulations cannot legally conflict with the terms of a statute; that is, for example, if a statute prohibits an action, a regulation cannot permit it.

MISA states (at page 16) that the monitoring regulation and effluent limits regulation will be promulgated under the Environmental Protection Act (EPA). The regulation-making provisions of the EPA are found in section 136(1), which authorizes the Lieutenant-Governor-in-Council to make regulations, inter alia: classifying and exempting contaminants and their sources, prohi-

biting or controlling the deposition of contaminants into the environment from any source, prescribing maximum permissible amounts or concentrations of contaminants and requiring persons responsible for sources to monitor, record and report data to the MOE.

Because the regulations on BAT will specify permitted concentrations and not technology, there is not a problem with lack of authority to specify technology. However, there is nowhere in the statute the authority to do so on the basis of economic considerations, and it is submitted that regulations controlling the deposition of contaminants into the environment must be based on the purpose of the legislation only, the protection of the natural environment.

The purpose of the EPA is stated in section 2: "to provide for the protection and conservation of the natural environment." There is no provision in the Act allowing for the balancing of environmental protection against industrial convenience or economic viability. It is our submission that basing an entire regulatory approach on technology that is economically achievable requires an amendment to the legislation to authorize such a conflicting intention.

Further, if MISA will be implemented by regulations passed pursuant to the OWRA, the OWRA should be amended to bind the Crown, as is the case under the EPA today. Otherwise, government owned

sewage treatment plants would be immune from regulation, a situation which should not continue to exist, in any event.

VI. DEVELOPMENT AND IMPLEMENTATION OF MISA

A. TIMING

MISA proposes to set effluent limits based on BAT for all major industrial sectors, by 1989. During a three year span, 1986-1989, the MOE envisions starting and completing the pre-regulation monitoring program (1986-1988), and the industrial monitoring regulation (1987-1988). The first effluent regulations are expected to be impleted by early 1988 and completed by mid-1989. The schedule for municipalities is equally tight. The municipal monitoring regulation takes effect in mid-1988 and is scheduled to be completed by the end of 1988. the municipal effluent limits regulation will be phased in the beginning of 1989 and completed by the end of the year. The process for setting effluent limits based on water quality impact is partially under way with the MOE's Pilot Studies project. Water quality assessments by industrial dischargers are scheduled to begin in mid-1987 and continue until completed in 1995. Abatement of discharges will begin in mid-1987 and be implemented according to the abatement scheduling imposed by the regulation on individual industries.

Essentially, what the MOE proposes to do within three years is develop and implement a monitoring regulation for eight industrial sectors and municipal sewage treatment plants, collect baseline data for those sectors on effluent discharges, negotiate and establish an effluent limits regulation, begin to monitor receiving bodies of water and develop water quality assessments by dischargers.

If the U.S. experience is any indication, delay will be the rule. The 1972 U.S. Federal Water Pollution Control Act (FWPCA) authorized the EPA to set nationally uniform standards based on pollution control technologies available, specifying the amounts of pollution which may legally be discharged by any point source in each industry category. Municipal sewage treatment effluent limitations were also mandated. The goal was to implement industrial and municipal effluent limitations to make all surface waters in the U.S. fishable and swimmable by 1983 and eliminate all discharges by 1985. The U.S. regulation followed a two phase approach for existing and new sources. The first phase called for effluent limits based on Best Practical Technology (BPT); the deadline was 1977. The second phase was to establish effluent limits based on BATEA by 1983. Amendments promulgated in 1977 under the Clean Water Act refined the two stage approach for existing sources and added greater variety to the second stage. BAT deadlines for non-conventional toxic pollutants were modified and are to be implemented by 1987. The end result was that the BPT limitation was not completed five years after the original

deadline for compliance. The Best Conventional Technology (BCT) and BAT programs are also behind. Some reasons cited for the delay experienced by the EPA are:

- setbacks in court;
- inherent difficulties in regulating toxic chemicals; and
- changes in administrative regulatory policy caused by changes of government.

To avoid problems similar to those experienced in the U.S., the MOE must strive to abide by the timeframe established under MISA and provide the resources necessary to meet the established deadlines.

CELA/CELRF also recommends that if the present government is committed to implementing the MISA program in an effective manner it must adopt a policy based on legislation which provides no exemptions to the deadlines established under MISA.

B. SCOPE

1. Industrial Dischargers

The MISA proposal will apply to eight industrial sectors:

- electric power generation
- industrial minerals
- inorganic chemicals
- iron and steel

- metal mining and refining
- organic chemicals
- petroleum refining
- pulp and paper.

The eight sectors comprise 200 of Ontario's 300 direct dischargers. There is no explanation of what industries constitute the remaining sectors, nor why the remaining sectors are not brought into the system. The Ministry of the Environment should identify the remaining sectors and provide a timetable indicating when they will be brought under MISA. There is no way for the public to evaluate if the eight sectors selected by the MOE to be regulated are the most pressing or whether other sectors should be brought in at this time. Adding to the vagueness of the MOE's proposal is the fact that no explanation is provided of what types of specific plants fall within each of the eight sectorial groupings. We have no idea how broad or narrow each sector is. For example, does the organic chemical sector extend only to the manufacture of organic chemicals or does it also apply to the use of organic chemicals in the manfacturing sector? Does petroleum refining include manufacturing of petroelum products, such as plastics and rubber, or is it limited to the discharges from petroleum refineries?

The MOE should refine the concept of industrial sectors. A broadly based concept of a sector may include operations which may be dissimilar. The experience in the U.S. courts has been one of forcing the United States Environmental Protection Agency

(U.S. EPA) to refine the lists of plants that comprise a sector. The U.S. EPA developed regulations based on industrial categories and sub-categories.

The U.S. Supreme Court, in E.I. DuPont de Nemours and Co. v. Train, 1977, ruled that the U.S. EPA had authority to establish effluent limits for industrial categories and sub-categories by regulation rather than by issuing permits to individual dischargers containing effluent limits, provided that some allowance is made for variations in individual plants. A discharger could petition for a variance from the sectorial regulation by demonstrating they were fundamentally different from the norm within the sector by virtue of differences in the:

- industrial process
- control technology
- costs structure, and
- energy consumption.

CELA/CELRF recommends that:

- Regulations be drawn up for all industrial sectors that are considered to be priority polluters.

- Sectors that have been excluded be identified and scheduled for regulation.

- Sectors be more accurately defined to include dischargers with similar operations. It may be advisable to break down into categories and sub-categories.

2. Municipal Dischargers

The municipal sector, consisting of 400 sewage treatment plants, treats wastewater from some 12,000 industries. In Ontario, more industries discharge into the municipal sewer system than discharge directly into bodies of water. MISA proposes to regulate sewage treatment plants as point-source dischargers. This means that what comes out of the end of the treatment plant will be regulated under MISA, but control of toxic substances going into the sewage treatment plant will be left to the municipalities. Muncipalities will be required to enforce municipal sewer bylaws, which by and large are inadequate. Most prohibit very few toxic chemicals and concentrate mainly on conventional pollutants. In addition, most municipalities are incapable of enforcing even the minimal list of pollutants prohibited by existing municipal sewer by-laws. Furthermore, treatment plants are incapable of successfully treating toxic chemicals and, as a result, they pass through the system into the receiving body. Other toxic chemicals entering the sewage treatment plant are retained in sludge, which is then applied to farms or incinerated. Adding to the limited control of toxics entering the sewer system is the fact that most municipal bylaws contain a clause which enables a discharger to enter into agreements with the municipality that

permit them to discharge prohibited substances for a fee paid to the municipality in advance.

Storm sewers are another source of contamination inadequately supervised by municipalities under the municipal sewer bylaws. Urban run-off, contaminants from spills, dumping of household contaminants and illegal industrial dumping all can be transmitted via the storm sewers into a receiving body of water. They are designed to carry excessive storm water but, in fact also carry toxic contaminants. Some older sewer systems have combined storm and sanitary sewers. During heavy rainfall, overflow in the storm sewer system leads to mixing with the sanitary sewer system. As a result, much of the municipal sewer effluent containing toxics from industrial and household sources is discharged directly into receiving water, such as creeks and streams. MISA's proposal to regulate sewage treatment plants as point sources does not extend to storm sewer systems.

CELA/CELRF recommend that:

- The Province assume jurisdiction over the enforcement of municipal sewer bylaws. An acceptable alternative is for the MOE to provide funds to municipalities so that they may bolster their enforcment capabilities. Arrangements should be developed between the MOE and municipalities to permit the Enforcement Branch to be summoned to deal with persistent violators of municipal sewer bylaws.

- The priority pollutants list that is to be applied to the industrial sectors under MISA also be applied to the municipal sewer bylaws. The present list of substances in the municipal bylaws is insufficient to stem the flow of toxics.

- Toxic chemicals which cannot be treated and effectively removed by the sewage treatment plant should not be permitted to be disposed of into municipal sewer systems.

- Storm sewers be regulated as point-source polluters. Municipalities have information on where storm sewer outlets on located and which body of water they discharge into.

- The MOE and federal government assist municipalities to finance upgrading of sanitary sewer systems and storm sewer systems.

- Pre-treatment standards for industrial discharges into the municipal sewers should be developed.

- The fines section in the Municipal Act should be amended to provide that levels of fines for contravening municipal sewer bylaws are consistent with those contemplated in Bill 112.

C. BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE

The core of the MOE's abatement program under MISA revolves around the identification of priority hazardous pollutants and the establishment of discharge limits for each pollutant based on the limits which can be obtained by the best available technology that is economically achievable. The Ministry will develop regulations setting effluent limits for major industrial sectors and the municipal sector. Effluent limits will be based on the use of the best available technology that is economically achievable (BATEA). A combination of control technologies can be used by industry to meet the effluent limits. These include: on-site treatment, in-plant treatment, recycling and water re-use, process change, substitution or replacement of materials used in the process. In the case of municipal treatment plants, pre-treatment for industries discharging into sanitary sewers will be considered. Once effluent limits are set, the actual choice of methods or technologies to be used will be up to individual dischargers as long as sector effluent limits are met. In establishing the appropriate controls, factors such as air quality and solid waste disposal will be taken into account. It would be unacceptable to use an abatement process that would reduce pollution in water while significantly aggravating air quality or sludge disposal problems.

Despite BATEA being the core of the MISA proposal, the white paper fails to adequately define what is meant by BATEA. The

lack of an adequate definition will create problems during the implementation stage. As we have seen, the reason why many delays were experienced in the U.S. concerning the implementation of BAT is that there was confusion over what criteria should be included and how criteria within the definition should be balanced. A description of BAT is contained in the U.S. Clean Water Act, but the American courts found it to be somewhat vague and thus relied on the legislative history to interpret the meaning of BAT. Unfortunately, the legislative history of BAT was also rather vague. Ultimately, the EPA was given authority by the courts to describe in the Federal Register what it considers BAT to be in a generic sense. The EPA's description of BAT is over one hundred pages long! One thing that can be learned from the U.S. experience is that, without a clear statement of what BAT is, with reference to a specific sector, there is little chance of a successful application to industry on a sector basis.

Under the MISA proposal, there is presently no method by which BATEA can be adequately defined. As the MISA proposal now stands, the only description of BATEA will be in the industrial sector-specific regulations. This raises a number of concerns. For example, how is one to know whether each sector is being treated in a fair and uniform manner? How is one to determine whether the same water quality objectives have been given an equal consideration in all sectors? There are no answers to these questions in the MISA proposal. As presently planned, BATEA will be established in an entirely discretionary manner by

the MOE with input from sectoral technical committees and a public advisory committee. From the description provided in the white paper, there are no guarantees that the sectoral technical committees and the public advisory committee will be given an equal degree of input. Without an adequate dsescription of what constitutes BATEA, how are these committees to know what BATEA is supposed to be? The definition of BATEA will ultimately be purely discretionary unless it is described generically, preferably in a statute so that it has a stronger basis from which to develop the regulations.

Some may say that BATEA should be premised upon a cost/benefit analysis so that the cost of purifying that next percentage of discharge does not exceed the benefits. Others will argue that cost-effectiveness is more appropriate so that the least expensive technology to achieve a given benefit is selected. What costs are to be included in such a consideration? Are they internal or external costs, or both? How are the "benefits" to the environment, indigenous species and humans calculated? Is the goal to reduce the quantity of the effluent or to increase the quality of the discharge in that it contains less toxic contaminants? The answers to these questions will be value-based. Therefore, it is important to make explicit the values of BATEA that are proper for its determination, instead of relying on cost/benefit analysis.

The white paper makes reference to the existence of 800 different chemical compounds that have been found in the Great Lakes system. MISA proposes to establish an abatement program based on BAT effluent limits for all major specific toxic pollutants, but it fails to provide information on which specific chemicals will be regulated. A list should be provided cataloguing the toxic chemicals regulated by MISA and those excluded. A process should be established to periodically review the list to include new toxic chemicals introduced into the industrial process. The public should be allowed to participate in such a review.

There should also be a periodic review of the performance of each discharger, as the MISA proposal recommends. However, other than stating that there will be a periodic review to examine and upgrade the effluent limitation as technology and knowledge improve, the white paper sheds very little light on how these periodic reviews will be triggered, how they will be administered and how any further changes in the effluent limits or technology in use will be incorporated. These periodic reviews should be mandated by an amendment to the Environmental Protection Act and further developed by means of regulations. The regulations should establish dates or intervals during which periodic reviews must take place. They should also establish an administrative framework for these periodic reviews which provides for public participation in a meaningful way. Finally, the legislation and the regulations should provide the MOE with the authority to require the installation of new proven technology on existing

industries. This could be achieved by putting a time limit on discharge permits. The installation of newer technology to meet lower effluent limits should be a condition for renewal of a company's permit. All information and recommendations derived from the periodic review should be made available to the public.

D. THE MONITORING REGULATION

The monitoring regulation is intended to produce a large data base on toxic contaminants from direct dischargers. This data base will build on existing industrial and municipal data bases by:

- measuring contaminant loadings and variations over time;
- relating known environmental degradation to specific pollution sources; and
- acting as the trigger for abatement and enforcement.

The quality of the information obtained through the monitoring regulation must be highly reliable if the results are to match the purpose underlying the development of the regulation.

1. Pre-Regulation Phase

The framework for developing and implementing the monitoring regulation does not appear to be capable of producing the quality of reliable information required to make the MISA proposal effective. The first weakness in the proposal rests with the pre-regulation phase and how that phase will be carried out. In order to assist in the development of the monitoring regulation,

technical committees will be established. The technical committees will not include representatives of public interest environmental groups. The committees will include representatives of industries, federal and provincial government representatives, municipalities and the public in the form of representation from professional associations such as Ontario Engineers' Association. In light of the very important foundation that will be established at the pre-regulation phase, it is crucial to add representatives of public interest environmental groups to the committees. Intervenor funds should be provided so that environmental groups may retain the services of a technical expert to represent their persepective on the technical committees. It is not sufficient to have public participation in the advisory committee whose function it is to review and comment on the draft regulations as they are developed. It is important to have public interest representation during the very important development of the draft regulations.

2. Monitoring Phase

The monitoring mandated by the Monitoring Regulation will be done by the industries and municipalities. In other words, the industrial and municipal sectors which will be regulated will be asked to provide the data base which will be used to develop the sector's BAT effluent regulation. The process has a built-in conflict of interest. On the one hand, the regulation requires that data be produced on the quantity of toxics discharged, based on a discharger's units of production. On the other hand, indus-

tries are motivated by their own self interest and will have a vested interest in developing information which will lead to a minimum of expenditure and activity later in the process.

The MOE states a high degree of accuracy will be ensured in three ways: the discharger must follow established sampling, flow measurements and laboratory analytical procedures; the discharger's laboratory must abide by a quality assurance and quality control program approved by the MOE laboratory; and the MOE will randomly collect samples to verify discharger's samples. The procedure is problematic. At any step along the process, there is room for error and oversight. In addition, the monitoring regulations and procedures may not be stringent enough due to the lack of public input on technical committees during the pre-regulation phase. We find little reassurance that it is an offence under the Environmental Protection Act to provide misleading information. To be punished, a perpetrator must be caught. In order to catch perpetrators, the MOE must develop the expertise to know as much or more about the industrial process than the producing company. The Ministry must also develop the capability to evaluate the accuracy of a discharger's data.

E. WATER QUALITY IMPACTS

In the event that BAT effluent levels are not sufficient to protect particularly sensitive receiving water bodies, the MOE proposes to complement the BAT effluent levels with an approach

that will impose more stringent site-specific effluent limits based on water quality concentrations. To establish the water quality impact limits, assessment will be made to see if the BAT effluent levels are sufficient for protecting water quality at a given site. The assessment will consider receiving water impacts to confirm whether BAT effluent limits are sufficient or whether more detailed receiving water studies are required. To pave the way for the implementation of the water quality impact effluent limits, the MOE will review a number of guidelines, including the MOE's publication "Water Management" (1984). Six pilot studies are also being conducted to assess the impact of various discharges on receiving water bodies.

We are in agreement that there should be more stringent limits available if the BAT effluent limits are insufficient to protect water quality. However, we have concerns with what the white paper proposes.

1. Total Loadings

One of the MISA proposal's key claims is that effluent limits will be set based on BAT or water quality impact in conjunction with information on total loading of the receiving body of water. However, the MOE acknowledged at a public meeting that it has no way of calculating total loadings since the monitoring regulation will examine discharges from existing point sources. No calculation will be made for non-point source contributions such as urban and agricultural runoff, toxic rain or discharges from

other jurisdictions. There is also no way of calculating what toxic loading is already present in the water. The MOE must clarify what it means by total loadings and take steps to ensure that a true total loading approach is implemented.

2. Best Management Practice

The white paper introduces the possibility of a program known as Best Management Practice for programs designed to control on-site spills, leaks and runoff from raw materials, storage and handling areas. However, no description or other information is provided in the white paper concerning what is meant by Best Management Practice. In addition to further explaining what is meant by Best Management Practice, the MOE should also commence developing programs for control of non-point source pollution.

3. Sensitive Water Bodies

Under MISA, sensitive and confined aquatic areas may require more stringent reduction programs. Towards this end, the Ministry of the Environment is currently conducting six pilot studies across the Province to assess and evaluate the impact of various discharges on receiving water environments. The pilot studies will examine waterbodies with different beneficial uses such as drinking water supply and fish habitats. The MOE will prioritize areas where more stringent effluent limits are required.

MISA lacks a definition of what is meant by the term sensitive and confined aquatic areas. Does the term mean waterbodies that

are in a pristine state or waterbodies that are severely contaminated and require remedial action? Because MISA lacks such a definition, it is difficult to determine what criteria will be employed to determine the priority of sensitive and confined aquatic areas. Priority should be given to cleaning up bodies of water that are badly contaminated, and standards should be established that will prevent the contamination of lakes in a more pristine state. In addition, the MOE should not set weaker effluent limits for bodies of water that are not important sources of drinking water or fish habitat. Because of the interrelatedness of bodies of water in the Great Lakes ecosystem, uniform standards should be established regardless of the end use to which the water is directed.

CELA/CELRF recommend that:

- The term "sensitive and confined aquatic area" be defined in a way that will include the need to clean up the more polluted bodies of water as well as protect the more pristine.

- The end use of water in a receiving body not be a factor in establishing BAT effluent limits and water quality impact effluent limits. In other words, bodies of water that are not significant drinking water sources and fish habitats should be regulated similarly to bodies of water that are used as water supplies and fishing grounds.

- A criteria be provided for establishing a prioritization of sensitive water bodies.

- A program be established to rehabilitate polluted water bodies.

4. Mixing Zones

A mixing zone is defined in the white paper as an area of water contiguous to a point source where the water quality does not comply with the Province's water quality objective. In setting water quality impact effluent limits, MISA retains the concept of a mixing zone, although the acceptability of its size will be reviewed. In other words, the effluent limits established under BAT and the water quality impact approach have to be met by dischargers beyond the mixing zone in order for them to be in compliance. Within the mixing zone, dischargers may exceed the effluent limits.

We consider the concept of a mixing zone to be a contradiction of the stated aim of MISA, that of moving away from a pollution control system based on dilution and dispersion. Measuring non-compliance on the basis of effluent limits beyond the mixing zone is nothing more than the adoption of the dilution and dispersion system.

We recommend that the concept of a mixing zone be abolished and the measurements to gauge compliance be taken at the spout of the discharging pipe.

VII. ABATEMENT AND ENFORCEMENT

The stated changes in the white paper regarding abatement and enforcement include the following: requiring dischargers to sample their effluents and reporting this data to the MOE for review; requiring dischargers to notify the MOE of effluent violations; evaluation of violations according to Ministry abatement policies; informal and formal (control order) responses to violations with a reasonable time to comply; stiffer penalties for conviction; periodic review of control documents and more control of discharges to municipal sewer systems. In comparing these provisions with the existing system of abatment and enforcement, little change is apparent. Given the widespread lack of compliance with the existing system evidenced by studies such as the Canada-Ontario report, Inventory of Major Industrial Point Source Discharges in the Great Lakes Basin (1985), this is a serious shortcoming of the MISA proposals.

Abatement and enforcement come into play when there has been a violation of the statute or regulations. Under the MISA program, site specific standards will be built into the certificate of approval of each discharger.

In designing a program to deal with violations of legally mandated requirements, there are a number of considerations. The most important and the most difficult step is ensuring detection of the violation. The MISA program proposes to detect violations in one of three ways: self-reporting by the discharger, review of submitted data and MOE inspections. This is essentially the existing approach used by the MOE to detect violations. The only difference may come if the amount of information dischargers are required to submit to the MOE for review is increased by continuous monitoring of certain process and the information is thoroughly reviewed by the MOE. If this happens, the ability to detect violations of effluent limitations becomes comparable to the ability to detect waste violations under the manifest system contained in the generator regulations, one of the strongest detection mechanisms in the Minstry's arsenal. The key to achieving detection, however, is to specify the data which must be collected and reported in such a way that circumventing the requirement is either obvious or very difficult, and to ensure that the data are reviewed on a routine basis by the Ministry. MISA is not clear on the monitoring that will be required of dischargers; it says merely there will be a requirement to "sample," "records will be required" and "additional data" will be required. As we already noted, the MOE's periodic review is also vague. The MOE must commit sufficient staff resources to ensure detection. A more serious omission is the lack of discus-

sion of ways to improve detection of sewer-use bylaw offences. (The provincial role vis-à-vis sewers is discussed infra.)

A. MOE RESPONSE TO A VIOLATION

The usual purpose of an enforcment program is deterrence: the punishment of violations of mandatory requirements so that the offender and potential offenders will be deterred from committing a similar violation. Thus, aside from detection, the action in response to a detected violation becomes of paramount importance. MISA proposes the following responses: informal or formal notification of the violation with an opportunity to remedy the problem, control order (including requirement and direction under the OWRA) or prosecution. It appears from the discussion in MISA that the evaluation and criteria used in deciding the appropriate response will be those found in the MOE policy manual on abatement and enforcement.

B. CONTROL ORDERS

The use of control orders seems to be MISA's only vehicle for "variances" from the strictures of the regulations. Without a variance provision contemplated by the regulations, the control order and the procedures for their negotiation become the focal point for industries that cannot or are reluctant to comply with the regulatory requirements. We are concerned about the reliance on the existing control order process, which we consider outdated

and flawed. We recommend that this is an appropriate time for the Ministry to revamp control order procedures and enshrine them in legislation. An example of an appropriate change would be the requirement of meaningful public review of the control order. Further recommendations for change can be found in Dr. Robert B. Gibson's study of the control order process, "Control Orders and Industrial Pollution Abatement in Ontario" (CELRF, 1983).

The major findings of the study are that the effectiveness, efficiency and fairness of industrial pollution abatement efforts in the province would be improved by a number of major changes including:

- Current legislation should be amended to allow for abatement requirements concerning discharges that pose uncertain but possibly significant environmental risks as well as discharges that can be shown beyond a reasonable doubt to be environmentally deleterious.

- Legislative and policy changes should be made to ensure more open and participative deliberations on the setting of enforceable standards, guidelines, facility-specific abatement requirements and additional discharge reduction incentives.

More specific recommendations are provided in the study concerning adoption of a revised approach to industrial pollution abatement, including:

- enforceable standards, which would address uncertain as well as known pollution problems and which would have to be met without regard to technical, financial or socio-economic factors;

- guideline criteria, which would be applied with flexibility through enforceable control orders;

- control orders, which would allow time for compliance with standards and provide a vehicle for requiring maximum practical adherence to the guidelines.

C. PENALTIES

Much attention has been focused over the past number of years on the need for higher penalties for violations of environmental legislation. This has resulted in the introduction of Bill 112 which proposes increased fines under the EPA and OWRA. This is undoubtedly a step in the right direction because fines had not been increased for a number of years (since 1971 for the EPA) for general offences. However, these proposed amendments will increase the discrepancy between the fines available under provincial environmental legislation and those available under munici-

pal bylaws. Municipal fines are limited to a maximum of $2,000 by a provision in the Municipal Act. Many bylaws have a maximum lower than $2,000. The need to raise the maximum allowable fine for bylaw violations is all the more compelling when one considers that more than 11,000 of the 12,000 effluent dischargers in the province discharge into a sewer system, not directly into Ontario's water courses.

VIII. THE APPROVALS PROCESS

Because of the nature of the new regulations, which enact a combination of BAT effluent and water quality limits, applicable controls for industries are determined on a case-by-case basis. These individualized controls are formalized by the certificate of approval. MISA contemplates that all requirements for monitoring and Best Management Practices as well as the effluent limits will be included in the certificate of approval. However, no changes in the legislative basis for certificates or in procedures for their establishment are contemplated. Such changes should be considered in order to develop a more comprehensive regulatory approach.

A. CERTIFICATES OF APPROVAL

The requirement for a certificate of approval is found in section 8 of the Environmental Protection Act, which makes it an offence to construct or change any plant or equipment or alter a process when the result is likely to be release of a contaminant to the environment other than water (the corresponding provision for water is the OWRA, section 24). This language makes it clear that approvals are not necessary for the operation of a polluting industry, only for changes. Thus, there are industries in Ontario that do not operate under an approval. The changes required by MISA will, if they require the installation of new equipment, necessitate the conclusion of a new approval. However, if they do not require such new equipment (e.g., re-use or recycling option is adopted by a company), it is not clear from MISA whether an approval will be required or modified. If no modification to an existing approval or no new approval is required, there is no vehicle for imposing the site specific effluent limits, BMP specifications or monitoring requirements, since these are not expected to be put into regulations. A better way of ensuring the mandatory nature of the site specific requirements would be to amend the approval provisions in such a way that a permit or licence is required to operate a facility with potential to harm the environment. This approach could be implemented by adopting an approach used by the MOE when it brought all existing landfill sites under the terms of certificates of approval under Part V of the EPA. At the point when

dischargers apply for certificates of approval, or re-apply as the case may be, the MOE should insert relatively uniform conditions for abatement for all companies within the relevant industrial or municipal sector where they belong.

The importance of the certificate of approval as the primary regulatory document raises the issue of the procedure followed in issuing the approval and whether this should be modified to reflect the new document's importance. Approvals must be made by the Director of Approvals on the basis of plans and specifications submitted by the applicant. Negotiation between the MOE and the applicant can take place; the applicant has the right to appeal a refusal of a certificate so negotiation is a way of minimizing the number of appeals. The public is not involved: there is no notice requirement, no right to review the terms and no right to appeal the final certificate. It is appropriate that the public be involved in this final and crucial stage of the MISA implementation process. It is disconcerting that the MOE wishes to rely on the U.S. approach to setting water quality standards with the sole exception being the public hearing requirement, which is an integral component of the U.S. system. We recommend that the approval process be opened to guarantee public participation. In addition, the appeals process should be amended under the EPA to permit the public the opportunity to appeal aspects of the certificate of approval they feel are inadequate.

IX. PUBLIC PARTICIPATION

It was stressed at the MOE informational meeting that public awareness is key to the success of MISA. Participation by the public is to be provided in the form of public comments (on the white paper and draft regulations), membership on the advisory committee and full disclosure of data. As the white paper explains, many of the specific details of the MISA proposal, such as the establishment of BAT effluent limits, will be negotiated between government, industry and the municipalities through the establishment of technical committees. The input by the public into these negotiations is relegated to offering comments on whatever the committees propose.

The public participation provisions as they are presently proposed in MISA prevent public interest environmental groups from playing an important role in the establishment of site specific BAT effluent regulations. The U.S. approach to setting BAT effluent limits, which the MISA process essentially adopts, is open to a thorough review by the public. Obviously, a thorough public review is one aspect of the U.S. BAT effluent setting process which MISA has not adopted. We recommend that public interest groups be given a more vital role in the establishment of effluent limits.

The public comment periods will also be of limited use unless the MOE is required to provide certain documents detailing the considerations, alternatives and rationale for its proposed regulations. Such a record is presently required in the U.S. and thus allows the public to know what has been considered and what has not. Public comment periods will be only as valuable as the information provided.

The public participation provisions are discretionary in two senses. The first is that it is not mandated by statute or regulation, and the second is that there is no requirement that any comments be actually considered. The MOE is not required to keep a record which would include comments received and its responses thereto. Thus, one is left with the feeling that comments are prepared more to ease the public's conscience that to form part of a joint planning and development process. This is most unfortunate. The public's role in enforcement is limited to private prosecutions in cases where the MOE is reluctant to charge a company found to be violating the legislation or regulations. It was made clear at the informational meeting that the MOE did not have the resources to monitor all certifictes of approval for compliance. Instead, the MOE is relying on companies to monitor their own performance. This is augmented by periodic MOE sampling to verify the companies' results. In the U.S., the public can make use of a complaint procedure if there is a violation of a statute. Once a complaint is filed with the authorities, an investigation must be undertaken and a public

hearing held into the violation or a court action can be taken by the public seeking injunctive or declaratory relief. Minnesota, Michigan, Wisconsin, New York and Illinois are states which provide this forum for public intervention.

In order to facilitate meaningful public participation, we recommend that the public participation provision in MISA be mandated by statute or regulation. Included in that mandate should be:

- full public disclosure and access to information of information used or developed during the development, implementation and enforcement of MISA;

- intervenor funds be provided to needy public interest groups so that they may retain technical experts to represent their interests on the technical committees and any other committees that may be established as part of the MISA program.

X. CONCLUSION

Despite some major limitations which we have discussed in the text of our comments, MISA is a good first step and a significant step foward towards addressing the water pollution problem in Ontario. The program could be much better. It could be improved by adopting a more comprehensive approach to the problem of toxics that will take into account not only point-source dis-

charges but also non-point source discharges from runoff, air deposition and also discharges from outside jurisdictions. Such an approach should be adopted in cooperation with the federal governments of Canada and the United States, and the governments of the Great Lakes states.

In addition, the MISA proposal can be improved by rectifying weaknesses contained in the white paper. Some of the weaknesses which should be addressed include the lack of a legislative base for many MISA components; the lack of improved enforcement methods and the lack of adequate public participation provisions. These areas are explored more thoroughly in our recommendations.

XI. RECOMMENDATIONS

MISA is a significant first step forward. CELA/CELRF hope that the following recommendations if adopted will lead to the establishment of a firm foundation on which to build a comprehensive water pollution control program for Ontario.

A. GOALS AND CONCEPTUAL APPROACH

- The MOE should adopt a true ecosystem approach by developing and implementing programs that will address pollution from non-point sources such as runoff and atmospheric deposition.

- The MOE should initiate joint efforts to control water pollution from point sources and non-point sources with the governments of Canada, the U.S., the Great Lakes states, Québec and Manitoba. Only by including non-point source loadings and transboundary loadings from other jurisdictions can a true knowledge of total loadings be obtained. Since there are many contributors to the pollution of Ontario's water, some of them outside of Ontario's jurisdiction, joint programs should be developed with other governments.

B. COSTS

- Consideration should be given at an early stage to the issue of costs.

- The MOE should produce calculations concerning the costs of MISA and who will pay these costs.

- Information on costs should be provided to the public for comment.

C. LEGISLATIVE BASIS FOR MISA

- Important components of MISA should be given legally enforceable instruments under the Environmental Protection Act and regulations developed on the basis of the legislative requirements.

- Components of MISA which should be given legislative and regulatory backing include:
  1. the MOE's water managment program for quality and quantity;
  2. the so-called Blue Book and amendments containing the priority toxic pollutants with a process for additions to the list;
  3. legislative authority for the monitoring regulation and Best Available Technology Economically Achievable regulation under the Environmental Protection Act;
  4. procedural protections for public involvement;
  5. access to information;
  6. scheduling of MISA implementation;
  7. the criteria for determining BAT and water quality impacts.

- The OWRA should be amended to bind the Crown.

D. DEVELOPMENT AND IMPLEMENTATION OF MISA

1. Timing and Scope

- To avoid problems with delays, the MOE must abide by the timeframe established under MISA and provide the resources to meet established deadlines.

- The MOE must adopt a policy that forbids the granting of exemptions from compliance schedules and effluent limits established under MISA.

- The MOE must identify the remaining sectors not currently under the MISA proposal and explain why they have been excluded at this time.

- Regulations should be drawn for all industries that are considered to be priority polluters.

- A timetable must be provided indicating when the sectors excluded from MISA will be scheduled for regulation.

- The MOE should refine the concept of industrial sectors to more accurately define dischargers having similar operations. It may be advisable to break down sectors into categories and sub-categories.

2. Municipal Dischargers

- The Province should assume jurisdiction over the enforcement of municipal sewer bylaws. An acceptable alternative is for the MOE to provide funds to municipalities so that they may bolster their enforcement capabilities. Arrangements should be developed between the MOE and municipalities to permit the

Enforcement Branch to be summoned to deal with persistent violators of municipal sewer bylaws.

- The priority pollutants list developed under MISA and any subsequent additions should be included in the municipal sewer bylaws.

- Toxic chemicals which cannot be treated and effectively removed by the sewage treatment plant should not be permitted into the municipal sewer system.

- Storm sewers should be regulated as point source discharges because municipalities know the location of storm sewer outlets and also the body of water they discharge into.

- The MOE should assist municipalities to finance upgrading of sanitary sewer systems and storm sewer systems.

- Pre-treatment standards for industrial discharges into municipal sewers should be developed.

- The fines section in the Municipal Act should be amended so that levels of fines are consistent with those contemplated in Bill 112.

3. Best Available Technology Economicaly Achievable

- A thorough and clear statement of what constitutes BATEA must be provided.

- A list of the toxic chemicals to be regulated under MISA should be provided and a process established to add new chemicals.

- The MOE should more fully develop the concept of periodic reviews. A legislative and regulatory mandate should be given for these periodic reviews establishing:
  1. administrative process;
  2. triggering mechanism for review;
  3. the means for implementing changes recommended after a review has been completed;
  4. public participation in the review.

- Periodic reviews should be held shortly before the expiration of a certificate of approval. This would necessitate making certificates of approval valid for four, perhaps five, years. Periodic review should commence the last year before the certificate expires. Awarding of a new certificate would include as conditions the recommendations produced during the review period.

4. Monitoring Regulations

- The monitoring requirement in MISA should be explained in greater detail.

- The MOE should develop the expertise to know as much or more about the industrial process, the best available technology and scientific methodology for evaluating the impact of toxic substances on receiving water bodies than industry and their consultants. The MOE must develop the capability to evaluate the accuracy of a discharger's data.

- Data from the monitoring regulation should be made available to the public.

5. Water Quality Impact Guidelines

- MOE must provide a regulation containing criteria for determining when BAT effluent levels are not sufficient and when water quality impact guidelines are required.

- More information must be provided on what is meant by Best Management Practice.

- The term sensitive and confined aquatic areas must be defined in such a way that will include the need to establish more

stringent effluent limits for polluted bodies of water as well as the more pristine.

- Bodies of water that are not significant sources of drinking water or fish habitat should be regulated in a similar fashion to those that are. This should be done in recognition of the interrelatedness of waters within the Great Lakes ecosystem, and also to prevent some bodies of water from becoming pollution havens.

- A program should be established to rehabilitate polluted water bodies.

- Abolish the use of mixing zones since they are contradictory with the purpose of MISA. Measurements to determine compliance with effluent limits should occur at the spout of the discharge pipe, and not beyond the mixing zone.

E. ABATEMENT AND ENFORCEMENT

- Since the MOE proposes to detect violations by relying on information provided by the discharger, the MOE should specify the data which must be collected and reported in such a way that circumventing the requirement is either very devious or very difficult, i.e., similar to the manifest system in the generator regulation.

The system of control orders and abatement should be improved to achieve the aims of MISA. Changes should be based on the recommendations contained in Dr. Robert Gibson's study of control orders and industrial abatement. The major recommendations are as follows:

1. current legislation should be amended to allow for abatement requirements concerning discharges that pose uncertain but possibly significant environmental risks as well as discharges that can be shown beyond a reasonable doubt to be environmentally deleterious;
2. legislative and policy changes should be made to ensure more open and participative deliberations on the setting of enforceable standards, guidelines, facility-specific abatement requirements and additional discharge reduction incentives;
3. enforceable standards, which would address uncertain as well as known pollution problems and which would have to be met without regard to technical, financial or socio-economic factors;
4. guidelines, criteria which would be applied with flexibility through enforceable control orders; and
5. control orders, which would allow time for compliance with standards and provide a vehicle for requiring maximum practical adherence to the guidelines.

Approvals

- Amend the Environmental Protection Act and the Ontario Water Resource Act to make it a requirement that a certificate of approval is required for the operation of all industries that discharge emissions into the environment.

- Amend the EPA and the OWRA to provide for public participation in the approval process.

- Amend the EPA and OWRA to provide for notification to the public that an industry has applied for a certificate of approval.

- Amend the EPA and OWRA to permit the public to appeal the terms of a certificate of approval if they are considered to be insufficient.

Public Participation

In order to facilitate meaningful public participation in MISA, we recommend:

- Public participation in MISA be mandated by statute or regulation.

- Full public disclosure and access to information of information used or developed during the development implementation and enforcement of MISA.

- Intervenor funds be provided to needy public interest groups so that they may retain technical experts to represent their views on technical committees or any other committes that may be established.

WATER WORKS ASSOC: MUNK/U.S.A.

P. Crabtree
cc. C. Schenk
P. Seto

MINISTRY OF THE ENVIRONMENT
JUN 27 1986
ASSISTANT DEPUTY MINISTER

Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

243 Queen Street W., 4th Floor, Toronto, Ontario M5V 1Z4, telephone (416) 977-2410

June 20, 1986

JUN 25 1986
ASSOCIATE DEPUTY MINISTER

The Honourable Jim Bradley
Minister of the Environment
15th Floor,
135 St. Clair Avenue West,
Toronto, Ontario
M4V 1P5

Dear Minister:

In your address to the Joint American Water Works Association/ Ontario Municipal Works Association Conference on May 12, you announced that your Ministry is now consulting with industries and municipalities on a discharge regulation, that will limit total loading to each waterway and cap the absolute amount of contamination each polluter maydischarge.

While we commend your initiative, we are nonetheless concerned by your failure to consult with environmental groups on this very important matter. We wish to participate in the regulation setting process. Our views and the views of other environmental groups will contribute to the establishment of better regulations. We hope that you will attend to this oversight and include environmental groups in the next round of consultation.

You must also realize that effective participation depends on the availability of accurate information. We, therefore, request copies of the draft regulation and supporting documentation relevant to the issue. Thank you for taking the time to consider my concerns.

Yours truly,

Frank Giorno
Research Director

FG:io

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JUN 27 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

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- [ ] Parliamentary Assistant
- [ ] Deputy Minister
- [ ] Associate Deputy Minister
- [ ] Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE
REPLY BY: July 14/86

To conserve energy and resources, this paper contains post-consumer fibre.

ONTARIO ENVIRONMENT NETWORK

Rec'd Clerk 2k

M.I.S.A.

06M2709

Ontario Environment Network

P.O. Box 125, Station "P", Toronto, Ontario, Canada M5S 2Z7
(416) 588-3843

JUL 4 1986
ASSISTANT DEPUTY MINISTER
JUL 29 1986

Hon. Jim Bradley
Minister of the Environment
135 St. Clair Ave. W.
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley,

The introduction of your white paper on the Municipal-Industrial Strategy for Abatement (MISA) is a welcomed initiative. Adopting a best available technology approach and the recognition of zero discharge as a goal is a tremendous step forward.

As you know the Ontario Environment Network is preparing for a major conference on Jobs and the Environment. An area of particular interest is the employment impact of pollution monitoring and control. I understand that a considerable amount of work on this subject has been done by your ministry.

A report from your ministry, which could be used at the conference, on the current situation in this field would be most useful. The conference is scheduled for November 21 - 23. A report of this nature, particularly in the context of the MISA programme, would be most timely and useful.

I look forward to your response to this enquiry.

Sincerely,

Kirk Roberts,
Coordinating secretary.

c.c. Mr. Peter Crabtree

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JUL 07 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

D. Caplan
D. Balsillie 06M2709
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☐ For your information
☐ Reply direct and return a copy
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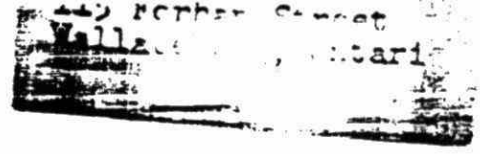
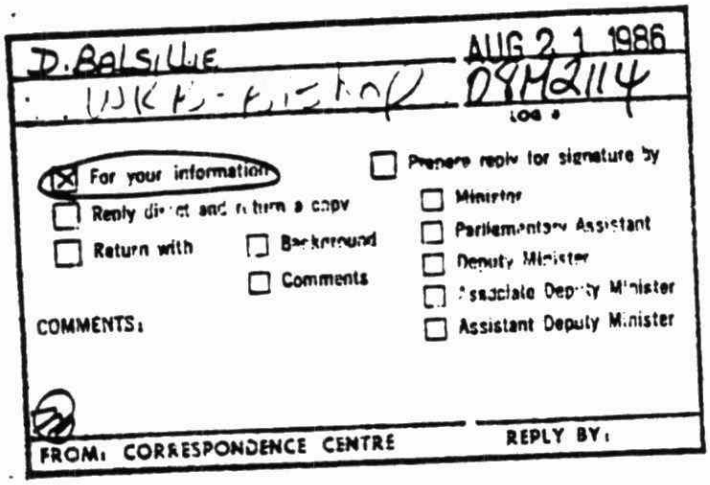
☒ Prepare reply for signature by Minister
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Assistant Deputy Minister
☐ Comments

COMMENTS:

FROM: CORRESPONDENCE CENTRE
July 18/86
REPLY BY:

WALLACEBURG CITIZENS COALITION FOR CLEAN WATER





SUBMISSION

to

THE HONOURABLE JAMES BRADLEY

MINISTER OF THE ENVIRONMENT FOR ONTARIO

REGARDING

'MISA'

On behalf of - The Wallaceburg Citizens Coalition for Clean Water

Chairman: Don Laprise
August 18, 1986

c. - Media
Ruth Grier - NDP Environment Critic
Larry Grossman - Leader of the Opposition

"Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it."
Henry Thoreau

INTRODUCTION

When asked when and how he first became aware that the Big River (St. Clair) was dying an old Walpole Indian replied 'When I was very young the elders told me, the White Man threw things in the river, that would not go away. In time, these things the White Man didn't want, would hurt my Indian blood and the blood of my children'. Only now do scientists know that the Great Lakes have such a long retention period for toxics. Toxic rain falling in Lake Superior takes 200 years to exit at Sault St. Marie. Each year, 400,000 tonnes of wastes are allowed to enter the Great Lakes. In the St. Clair alone each glass of raw river water contains 20 drops of approved contaminants. Spills are additional illegal loadings. Its known that for the human body to function it must take in at least 1 ppt of vitamin B12. Does it not follow that low levels of toxic contaminants, say in the 1 ppt range, may eventually hurt you or the blood of your offspring? There is just too much toxic stress on the Great Lakes, on the St. Clair and unrelieved stress eventually causes disease. The Walpole Island Indians have sensed for many years what the White Man only now knows.

The Citizens Coalition for Clean Water is not an association of scientists bearing long lists of scientific credentials. We are a group of 130 common people who regard the environmental events from the spina bifida outbreak in 1976 until the present as a series of enlightening, threatening and shocking events. We

call this period the 'St. Clair Experience', and we too sense many things in relation to this experience. Sensing is such a curious human quality - call it intuition, best guess, hunch or whatever, but it exists. It is the basis for all scientific investigation, and it is the basis for our concern about our water source, and indeed our futures. It is within the context of the 'St. Clair Experience' and our abilities to sense that we will discuss elements of MISA with you. We will be critical, pose questions and offer alternatives where possible.

OBJECTIVES, MORALITY, CONTROL AND COURAGE

If anyone wants to manage something there must be objectives - otherwise there is no reason to manage. What is the objective of our municipality, Chemical Valley Industries and the MOE in relation to our source of drinking water? The 'St. Clair Experien has and is teaching us that our objective is in all respects correct. It is morally right to seek a less questionable potable water source for our people. Chemical Valley Industries have perpetrated over and over the pollution of the St. Clair under the guise of Certificates of Approval, and been given generally a free hand in spilling beyond approved quantities. If not entirely illegal such actions are, at least, immoral. Pollution of our drinking water is essentially a moral issue, but we are not naive enough to believe that anything other than politics will solve our problems.

The 'perc spill' of August 13, 1985 demonstrated that Wallaceburg was and always will be vulnerable to major spills. This continues to this day and will continue unless Wallaceburg's water supply by-passes the St. Clair. There is, to this day, no control over spills, and despite your best leadership efforts there has been no improvement in relation to spills into the St. Clair. Since August 13, 1985 to present there have been at the least 33 spills of toxic wastes into the St. Clair. The average for the period 1972-1984 is 23. Further - there has been one conviction for these 33 illegal spills. Therefore the C.C.C.W. regards spill abatement as non-existent in the past year. It has been business as usual for the Chemical Valley Industries. Nor does MISA promise us any improvement in relation to ever increasing spill totals, except the term 'Best Management Practice'. This is at best ill defined (if at all) in your MISA report. MISA vaguely refers to "regulations that will require industry to have programs in place for controlling spills", and therefore the C.C.C.W. concludes MISA will not do what is needed, i.e. control spills. For us a Lake Huron pipeline will eliminate Chemical Valley spills from our minds, and destroy Wallaceburg's vulnerability to them for all time. It will eliminate the concern a Wallaceburg parent has in giving his six year old son a glass of water at 2 a.m. It will eliminate the anxiety of not knowing if a chemical company has spilled something that might cause his boy harm - be it diarrhea, skin rash, or down the road, bladder cancer. It will eliminate the "dilution is the solution to pollution" philosophy your own

Ministry staff employs time after time to calm the concerns of local citizens. Three times this year Wallaceburg's treatment facility has been actually shut down to avoid toxic concentrations from piercing water quality limits. Always the MOE comment reported in the press, subsequent to a spill, is 'no harm due to downstream dispersion'.

ENFORCEMENT, MONITORING, PERSONNEL

The C.C.C.W. finds no other way to properly address spills other than to say 'use the full arm of the law; do it with legal strength, will and individual courage'. MISA does promise enforcement procedures, and your Ministry has charged polluters many times in the last 12 months. However, despite your Ministry's best efforts in relation to enforcement the bottom line is one conviction in 33 St. Clair spills. The courts must understand that it is a serious crime to illegally pollute. Automatic jail terms and heavy fines should be mandatory dues that must be paid upon conviction. Industry must clearly understand that sentencing of this type is the price they must pay for illegally polluting and the price they must pay for doing business in Ontario.

The entire premise for MISA's 'established enforcement procedures' goes against modern jurisprudent thought. Self monitoring is not a compelling enough procedure for successful operation of this aspect of MISA. Would you gather evidence that could be used against yourself?

The C.C.C.W. suggests your Ministry put legal teeth into the platform upon which MISA's enforcement procedures rest by drafting legislation which compels individual employees to report pollution violations. The Occupational Health and Safety Act for Ontario requires employers to establish health and safety committees, and employee representatives who cannot be prevented from carrying out inspections of the workplace. It is the duty of all workers to assist representatives in their inspections. This Act now commands great respect by employer and employee alike throughout Ontario, and the environment is such a high priority item today that Labour would be quite receptive to such an environmental law.

Indeed such a law would increase the Ministry's monitoring ranks enormously and each employee, by his presence in the work-place, would provide your Ministry with a multitude of truly "unannounced MOE visits". MISA promises nothing more than the status quo as far as unannounced visits are concerned, and that unfortunately may in the past have involved warnings to management personnel of unannounced MOE plant visits.

The success of MISA, as a control document, rests not only on self monitoring, but it simply won't operate effectively without dedicated and knowledgeable ministerial staff. Throughout the 'St. Clair Experience' we have seen staff who range from the allegedly corrupt to the naive. In today's job market it is amazing that your Ministry can't hire more qualified, intense young people. If the MOE is truly serious about MISA as a control

document desk jockeys and public relations people must be cleared out and replaced with the best environmentalists the MOE can purchase.

INDUSTRIAL, PUBLIC AND ECONOMIC PARTICIPATION IN MISA

If you truly regard MISA as being an effective toxic waste control document, the place of public participation within MISA must be seriously re-considered. The C.C.C.W. regards our input into MISA as a welcome opportunity to express our concerns. However, as a group who is most concerned with our entire environmental predicament we question your comment relative to preliminary meetings with ..."interest groups as part of the pre-regulation phase". Your Ministry seems to place the St. Clair as a top priority item as we do. Have pre-regulation phase meetings been held in our area? Be advised that the C.C.C.W. is not entirely all form and without substance. We think that our participation in preliminary discussions or as members of the Joint MOE, AMO, EC, Public Advisory Committee is essential to any abatement direction related to the St. Clair. We therefore request that one or all of our executive members sit on the above committee. The concensus of our executive is that we could lend some solid support and positive input to this committee; however, we would not be entirely comfortable.

The position of the Joint MOE ... Public Advisory Committee is an ancillary one within the context of MISA. It is out of the

mainstream of MISA's decision making process and we echo the Greenpeace suggestion that an Environmental Control Commission be established to complement and oversee MISA's complete development. The general public must, at some point in the toxic degradation of the Great Lakes, take part in the actual decision making process effecting the abatement of toxic loading in the system. Can we always rely on government for leadership? The last 40 years under one provincial government obviously hasn't been a benefit to our natural environment. Your Ministry may even want to consider establishing a Public Advisory Committee within each municipality consisting of local citizens groups, municipal, industrial and MOE representatives. This committee should have the responsibility of direct decision making in, and interpretation of, municipal sector requirements. The C.C.C.W. believes that people in Ontario are ready for a philosophic change. They want a personal stake in their own environmental destiny. If the general public is to take part in the decision making processes they must also be responsible for their actions. At what price? Industrial relocation will take place based purely on economic alternatives. Chemical Valley Industries won't leave the St. Clair Valley due to environmental pressure; they will relocate because there is a more lucrative, economic opportunity somewhere else.

Municipalities can't relocate; they must abide by MISA's requirements. Economic resources available to Ontario municipalities vary widely throughout Ontario so some economic and environmental

latitude must be built into MISA's municipal sewage treatment requirements. Inequities such as these may in fact act as an incentive for industrial relocation from one municipality to another and this would be counter productive to MISA as a toxic control document.

Wallaceburg's PAC filter system presently offers an example of such counter productivity. The town can ill afford the incineration costs for proper disposal of the PAC concentrate so the concentrate is landfilled. Eventually these contaminants will work their way into the ecosystem. A Lake Huron pipeline would eliminate this problem.

QUESTIONS

- MISA brings to mind questions which the C.C.C.W. believes should be addressed by your Ministry.

1. It is mentioned that an abatement program will be established 'for all major specific toxic pollutants'. Why not all toxic pollutants?

2. Target compounds will be used to focus our control programs in a 'manageable and effective manner'. Does not economics determine the effectiveness and manageability of all of MISA's control programs. Economic feasibility seems to be the fuel for the entire MISA machine. For both BAT and the water quality impact approaches the discharger is required to

comply with the more stringent of the two limits. It appears that limits are set on treatment technology availability not on toxicity. Profit margins should be placed behind 'known toxic effects on plants ... and humans'.

3. Is landfilling an effective way to dispose of toxic wastes? The C.C.C.W. thinks not. The Niagara River is sad testimony for 6 million people who rely on Lake Ontario as a source of drinking water and toxic dump sites along its course are major authors of this testimony. Nor can the C.C.C.W. comment on possible leakage into the St. Clair from deep disposal wells in the Detroit River and Salina formations. However the C.C.C.W. senses that like the EPA, MISA is dealing with landfilling poorly by recognizing it as an effective standard for waste disposal. We can only hope that the Ontario Waste Management Corporation can offer a better alternative.

4. MISA points to the reduction of total toxic loading as a benefit. However this is misleading in that it is much akin to using Total Organic Compounds (TOC) as an effective indicator of toxic reduction. In fact MISA should be considering the reduction of individual compounds as indicators of abatement. Unfortunately if the technology doesn't exist for certain toxins then industry will remain motionless with respect to abatement.

5. Is a comprehensive data base a benefit? An excellent idea! Ontario has long required such a compendium; it is long overdue. However the development of the data base will hinge upon industry's co-operation in revealing certain processes which they may regard as confidential. Without knowledge of the process how can a complete toxic contaminant list be developed?

6. Will BAT effluent limits for each sector provide improved pollution without putting the individual discharger at a competitive disadvantage? We agree that BAT will result in improved pollution control but individual dischargers will be placed at a competitive disadvantage. Who can more afford to pay a 30% income tax levy - an individual who grosses $50,000 or $25,000? Best Available Technology will disadvantage small industries so therefore subsidies and/or other economic incentives should be built into compliance with BAT.

7. To whom will the 'legal status' of effluent limits be a benefit? Does this mean that the piercing of effluent limits will allow a polluter to be open to litigation by an individual? a municipality? the MOE? the C.C.C.W.? Will funds be made available for this purpose?

8. Does MISA include all those who consume water from the Great Lakes? The C.C.C.W. thinks not. Along the course of the St. Clair alone there are residents who consume raw

water directly from the St. Clair and the MOE if not MISA should address these people supplying them with a comprehensive list of toxic contaminants present in their drinking water and possible health effects they could encounter. Alternatives should also be presented to these people.

9. How does your Ministry tell people that practices of the past, which were perhaps thought to be substantial and adequate, have resulted in a Great Lakes system which is fading as a natural supplier of potable water? How do you tell people that these past practices have to be redirected and altered? How do you tell people that the toxic load contained in one of Canada's most beautiful rivers, like the Niagara or the St. Clair, will remain as a polluted legacy for many generations hence?

For us, MISA seems to be the method your Ministry is suggesting, however it needs to be adjusted in terms of spill control, self monitoring, public participation, municipal responsibilities, and economics as a prime determinant of BAT and effluent limits. Although the C.C.C.W. believes these elements must be re-addressed at least MISA is a step in a forward direction. However, it just may be that the program as a control document is a generation too late.

We thank you for your time and do hope that you consider elements of our submission seriously. We further hope that MISA in its present form is not an accomplished fact and that our time in preparing this submission is time spent in a beneficial manner.

GREAT LAKES UNITED

M. I. S. A. JACKSON

17

GREAT LAKES UNITED

ENVIRONMENT
AUG 2 6 1986
ASSISTANT DEPUTY MINISTER

25 Glen Road
Kitchener N2M 3E7
(519) 744-7503

August 22, 1986

Mr Jim Bradley,
Minister of the Environment
135 St. Clair Avenue West
Toronto M4V 1P5

Dear Mr Bradley,

I am putting together a brief on the MISA White Paper for twelve citizens' groups in the St. Clair-Detroit Rivers area. The time involved in discussions amongst these groups and in getting the brief reviewed by each group has made it impossible for us to submit our comments to you by the August 28th deadline originally given by you for public comment.

Our brief will be given to you by September 12th. I hope that this will not be too late for our comments to receive full consideration.

Please let me know if this delay in our brief will create any difficulties for you.

Yours sincerely,

John Jackson
Vice-President
Great Lakes United

cc: P. J. Crabtree

TO: _____
Attn: _____
Reply for Minister's sig. _____
Reply for D.M.'s sig. _____
Reply by date _____
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FOR YOUR INFO _____
DATE: 04-27

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COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY:

S. A. Gaw

GREAT LAKES UNITED

David J. Miller, Executive Director
Great Lakes United
24 Agassiz Circle
Buffalo, New York 14214

TO: WRT
ATTN: Hanlon
FOR YOUR INFO
DATE: 09-05
D. BALSILLIE

The Honorable Jim Bradley
Minister of the Environment
135 St. Clair Avenue, West
Toronto, Ontario
CANADA M4V 1P5

Dear Minister Bradley:

Great Lakes United appreciates the opportunity to comment on the Municipal-Industrial Strategy For Abatement (MISA). Ontario's proposed program will have a major positive impact on the whole Great Lakes Basin.

The comments attached are based on experience with implementation of the United States Federal Clean Water Act and use of Best Available Technology (BAT) as part of that Act. Attached also is a report on the Oswego River watershed which details some experience with the BAT approach.

MISA is a strong document. Our comments are meant to be constructive and are respectfully submitted for consideration.

Sincerely,

Frederick L. Brown

Frederick L. Brown, Ph.D.
President

ljd
encls.

D. BALSILLIE SEP 2 1986
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FROM: CORRESPONDENCE CENTRE REPLY BY:

COMMENTS ON THE MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT (MISA) PROPOSED BY THE ONTARIO MINISTRY OF THE ENVIRONMENT

PREPARED BY:
FREDERICK L. BROWN, Ph.D.
DAVID J. MILLER
RONALD J. SCRUDATO, Ph.D.
GREAT LAKES UNITED
AUGUST 26, 1986

Great Lakes United, an international coalition of over 180 environmental, sportsmen, union, local government and small business organizations throughout the eight Great Lakes states and two Canadian provinces, is pleased to have the opportunity to comment on the Municipal-Industrial Strategy For Abatement (MISA). Great Lakes United is dedicated to the protection, conservation and proper management of the Great Lakes-St. Lawrence River Ecosystem. We commend the Ontario Ministry of the Environment for developing a comprehensive strategy to protect and enhance the water quality of this fragile resource.

Implementation of MISA will be a major improvement in controlling and ultimately eliminating sources of toxic contamination to the Great Lakes-St. Lawrence River Ecosystem. Program elements including best available control technology use, mass balance or water quality impact approach, comprehensive data base of toxic contaminants in effluent discharges, increased enforcement activities and public involvement mechanisms are essential to the success of the MISA. The comments outlined herein are designed to constructively improve an already strong document.

Many sections of MISA are similar in structure to programs developed pursuant to implementation of the United States Clean Water Act. These comments were developed by a committee of United States officers of Great Lakes United including Frederick L. Brown, Ph.D. (President), Ronald J. Scrudato, Ph.D. (Director At Large) and David J. Miller (Executive Director), each of whom have had significant involvement with the U.S. Act. It is the hope of the Great Lakes United Board of Directors that these comments can be utilized to build upon and strengthen a critical programmatic need for the Great Lakes Ecosystem.

Development of Comprehensive Data Base

In order to properly implement the goals of MISA, a comprehensive data base is needed not only of effluent discharges but for all sour-

ces of toxic contamination. Great Lakes United suggests that the central decision point "Yes" "No/Not Sure" indicated in Figure 4, page 41 - MISA, will require prior and extensive data collection in addition to development of "assessment techniques" to support any decision to base limits on water quality. We suggest the list of pilot studies, page 4, should be expanded significantly and at a minimum, include all I.J.C. designated "Areas of Concern". The receiving waters assessment should probably be initiated immediately, and all sources of toxic contamination, such as non-point, landfills, sediment "hot-spots", and air deposition should be included.

Pre-regulation monitoring of industrial discharges is a critical early part of MISA. Great Lakes United suggests that this monitoring should include, at a minimum, the following elements.

1. A listing of all potentially hazardous material used or stockpiled on site;

2. Effluent monitoring for all hazardous material used including, but not limited to, known by-products of industrial processes;

3. Monitoring of all influent to municipal sewer and treatment systems; and

4. Periodic sampling by the Ministry of the Environment to verify industrial sampling results.

The latter component could be supported by a permit fee system. Periodic sampling should be unannounced to avoid any temporary modification of a plant's operation.

Additionally, municipal sewage treatment facilities should identify all industrial users, total flow to the treatment plant and all chemicals potentially present.

Best Available Technology Economically Achievable (BAT)

MISA recognizes the need for two approaches to long-term water quality improvements in the Great Lakes-St. Lawrence Ecosystem but may place undue early emphasis on BAT. In the United States, BAT has, in most cases, not provided adequate protection of the aquatic resource. BAT, as used in the U.S., does not take into account stressed ecological systems, makes no provision for protecting high quality water, does not provide for uniform discharge limits among industries and/or sub-industry groupings, and does not recognize the effect of receiving-water characteristics on either physical of biological parameters.

If BAT is to be used as basic control for any significant period of time it would seem prudent to supplement the BAT standards with required monitoring of drainage and sub-drainage basins with emphasis on total loading as related to suspended and bottom sediments and key biota. It does not seem reasonable to allow further toxic discharges into waters which are already significantly contaminated by metals and/or organics.

Almost ten years after the establishment of the program, U.S. Environmental Protection Agency has been unable to set comprehensive BAT standards for most of the 128 substances listed in their regulations. While certain jurisdictions such as New York have moved forward with more stringent limits on toxic discharges, others like Wisconsin are required by state statute not to be more stringent than federal guidelines and/or standards. In addition, jurisdictions which attempt to move forward with strict Best Available Technology face numerous barriers including lack of EPA supporting documentation and industrial challenges to the definition of Best Available Technology. Great Lakes United would be pleased to present the Ministry with specific legal and administrative hearing cases illustrating this point.

MISA, pages 35 - 38 inc, outlines an Ontario approach to regulation based on BAT. Items 7 and 9, page 37, touch on the concerns noted above but Great Lakes United suggests consideration of additional requirements such as:

1. determination of "economically achievable" includes a review of economic/social impacts of <u>continued/increased pollution and/or water quality degradation,</u>

2. comprehensive review of existing technologies includes open public participation,

3. inclusion of a finite review period (such as five years) calling for the development of improved BAT capabilities directed towards the goal of virtual elimination of sources of toxic contamination, and

4. assurance that mass balance/water quality impact approach is fully utilized in conjunction with BAT.

In view of the difficulties encountered in implementation of BAT in the U.S., the schedule in Fig. 3, page 26, MISA for full regulation of all major industrial sectors by June 1989 seems overly optimistic.

Water Quality Impact

As indicated previously, U.S. experience in Great Lakes jurisdictions demonstrates that BAT, in most cases, will not provide adequate protection of the aquatic resource. In both New York and Michigan, it has been necessary to invoke more rigorous effluent limits (as compared to BAT standards) to protect public health and aquatic biota from toxic pollutants. Currently, Michigan is in the final stages of seeking approval of additional requirements to protect high quality water from degradation and to improve dissolved oxygen levels. These more rigorous requirements have stimulated extensive debate on basic policies such as:

1. What will constitute an acceptable level of protection or allowable exposure of the public to toxics in their use of the aquatic resource?

2. To what extent and under what conditions should high quality water be degraded, if at all?

3. Should aquatic wildlife and fish be protected in all their natural range and habitat in all life stages?

These and similar policy issues have been very controversial and final agency decisions have been challenged in administrative contested case hearings and in the courts.

To achieve the MISA goal, page 7, in accordance with the schedule on page 26, it would seem prudent to place highest priority on water quality impact studies during the MISA "Development Phase", Fig. 4, page 41. This in turn suggests that "Water Quality Assessments by Dischargers", Fig. 3, page 26, should be moved forward to coincide with pilot site studies.

Summary

Great Lakes United agrees that development of a comprehensive data base will be essential and believes that the proposed data collection goals should be expanded and data collection should be initiated immediately.

Further, we believe that regulations based on BAT will be inadequate to improve water quality to desirable levels or to protect the aquatic resource.

Further, we believe that regulations based on water quality impact will prove necessary and should receive highest priority.

However, these more rigorous regulations will, in our opinion, require policy decisions which have been very controversial and time consuming in the U.S. Therefore, we suggest that critical issues be enumerated and addressed immediately.

Finally, MISA recognizes the criticality of public involvement. Great Lakes United urges that this involvement be extended to all facets of the program including the early development phases. Great Lakes United is ready to assist.

SIERRA CLUB OF ONTARIO

M.I.S.A - FULTHORPE

FOR ASSISTANT DEPUTY MINISTER

Pls handle as others

Sierra Club of Ontario
229 College Street Suite 303 Toronto Ontario M5T 1R4 (416) 596-7778

The Hon. James Bradley
Minister of the Environment
135 St. Clair Avenue West, 15th Floor
Toronto, Ontario
M4V 1P5

August 26th, 1986

Dear Mr. Bradley,

Please find enclosed the Sierra Club's comments on the MISA white paper.

We appreciate the opportunity to comment at this time, and would like to be kept informed about the progress of this promising strategy.

Yours sincerely,

Roberta R. Fulthorpe
Executive Director.

T. BALSILLIE AUG 28 1986
J. Bradley, WRB 88M2830
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☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

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FROM: CORRESPONDENCE CENTRE REPLY BY:

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MINISTRY OF THE ENVIRONMENT

To Explore, Enjoy and Protect our Scenic Resources

Sierra Club of Ontario
229 College Street Suite 303 Toronto Ontario M5T 1R4 (416) 596-7778

AUGUST, 1986

COMMENTS ON THE MINISTRY OF THE ENVIRONMENT'S MISA PROGRAM

Overall, the Sierra Club of Ontario is impressed with the scope and intent of the MISA white paper. We welcome the opportunity to participate in the public input process throughout the development of the regulations.

At this time we have two primary concerns:

1) TIMING: The program, if anything, is perhaps too ambitious in the time-table it has set for itself. The strategy calls for the rapid implementation of BAT regulations for a number of contaminants of concern that as of yet have not been identified. While speed is certainly desirable, we would hope that in the process the strategy does not sacrifice:

a) the careful identification of contaminants of concern from those compounds found in the effluents.

b) the opportunity for industry to develop good technology so as to minimize the expense of conversion at later dates.

c) the careful development of better water quality assessment techniques that can be applied rapidly and inexpensively to large numbers of water bodies.

2) CONTAMINANT CHARACTERIZATION: The program calls for an inventory of all compounds present within effluents, and a selection from that inventory of contaminants of concern - a shortlist of "major specific toxic pollutants". We would like to see the latter more clearly defined. On page 2 of the white paper it is stated that target compounds for monitoring and control will be selected on the basis of known use and release, known toxic effects and known presence. We suggest that this may not be sufficient, since there are more toxic compounds than those that have "passed" toxicity tests.

Mr. Bradley stated at the beginning that the rationale for updating Ontario's control strategy was the greater need arising from the overwhelming number of persistent contaminants the limited capacity of old specific regulations to deal with them. As was evident from the August 12th briefing meeting, the public's fear is of the "unknown killers" lurking in the waters. The narrowing of MISA's scope to only those chemicals of known toxicity while perhaps a huge leap from the previous regulations, will not address this fear. Conventional toxicity tests can confirm the toxicity of compounds, but they are insufficient to alert us to potential dangers of vast numbers of compounds. The tests are far too long and tedious to be used as screening tools.

The toxicity of many compounds can be predicted fairly well by their structures

and physical-chemical properties. The U.S. Environmental Protection Service uses Quantitative Stucture Activity Relationships for different classes of compounds to predict the toxicity of large numbers of compounds. While much of MISA seems to have been imported from EPA strategies, it is not clear that these toxicity models have been considered. The obvious link between chemical structures and their biological activities is much too strong not to be used in an assessment/abatement strategy. Judging the toxicity of compounds on an individual basis without reference to their class properties is simply too far behind the state of the science.

We would like to see QSAR work applied to the identification of compounds that might be classified as 'suspicious' contaminants. A mechanism should be put in place to determine the toxicity of these priority compounds, ideally at the industry's expense. While 'suspicious' compounds need not come under BAT control without supporting toxicity tests to confirm their danger, they should certainly be first on the list for future tests and future regulations.

Thank you for this opportunity to comment at this stage.

Yours sincerely,

Roberta R. Fulthorpe

ST. CLAIR RIVER INTERNATIONAL CITIZENS' NETWORK

M.I.S.A.

P. Leto

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Oct 9/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

25 Glen Road
Kitchener, Ontario
N2M 3E7
(519) 744-7503

September 12, 1986

Mr Jim Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto M4V 1P5

Dear Mr Bradley,

I am pleased to enclose the brief on MISA that has been put together by the St. Clair River International Citizens' Network. We are convinced that MISA's objectives can only be achieved if the public that is directly affected by hazardous discharges are given the opportunity to fully participate in its development and implementation. The members of our coalition of eleven groups from both Ontario and Michigan pledge ourselves to work with your Ministry to develop this very important program.

We wish to express our concern that, according to the White Paper, a pilot study on water quality impacts in the St. Clair River is now underway but citizens' groups in the area have not been part of that study. Please tell us the details of this pilot study and describe ways in which we can participate in it.

We repeat that we are committed to working with you to make sure that our shared objective of the virtual elimination of the discharge of toxic substances is achieved.

Yours sincerely,

John Jackson

John Jackson
Coordinator,
St. Clair River International Citizens' Network
Vice-President, Great Lakes United

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WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

THE ST. CLAIR RIVER AND MISA:

A BRIEF TO ONTARIO'S MINISTER OF THE ENVIRONMENT

Presented by:

The St. Clair River International Citizens' Network
Members:

- Citizens' Coalition for Clean Water
  (Wallaceburg, Ontario)
- Citizens Organize Against Chemical Hazards
  (Algonac, Michigan)
- Great Lakes Institute
  (Windsor, Ontario)
- Great Lakes United
- Greenpeace (Toronto, Ontario)
- Lake St. Clair Advisory Committee
  (St. Clair Shores, Michigan)
- Lambton Anti-Pollution Association
  (Moore Township, Ontario)
- League of Women Voters, Port Huron Area
  (Port Huron, Michigan)
- South Eastern Michigan Conservation Club
  (Marine City, Michigan)
- Wallaceburg Clean Water Committee
  (Wallaceburg, Ontario)
- Windsor & District Clean Water Alliance
  (Windsor, Ontario)

September 1986

THE ST. CLAIR RIVER AND MISA:

A BRIEF TO ONTARIO'S MINISTER OF THE ENVIRONMENT

BY THE ST. CLAIR RIVER INTERNATIONAL CITIZENS' NETWORK

INTRODUCTION

We are eleven citizens' groups made up of people in both Ontario and Michigan concerned about the contamination of the St. Clair River. As citizens living in the areas directly affected by these serious contamination problems, we fear for the welfare of our environment and for the health of ourselves and all the people living in our communities.

Since the major sources of contaminants to the St. Clair River are on the Ontario side of the River, we are pleased to see the Ontario government taking initiatives to improve the programs by which industrial discharges to the River are controlled. We have, therefore, carefully assessed the Municipal-Industrial Strategy for Abatement (MISA) White Paper.

According to the White Paper, contamination of the St. Clair River was behind the creation of MISA. While MISA is a significant initiative, this cannot be viewed as an adequate response to the pressing and immediate threats that contamination of the St. Clair poses.

The implementation schedule proposed by the Ministry for MISA indicates that no new regulations limiting industrial effluent would be in place until early 1988. This means that this regulation would have no impact on reducing industrial discharges for almost two years. This situation is intolerable, since existing discharge permits allow 1.7 billion litres of contaminated industrial wastewater to be poured into the River from the Ontario side each day.

Other significant areas of concern that the Ministry must address through programs other than MISA are:

* cleanup of contaminated sediments in the River and the water bodies downstream;
* cleanup of sources of contamination such as old dump sites, deep wells, caverns and contaminated soils that either are releasing, or are threatening to release, massive quantities of hazardous substances to the River;
* more extensive water testing and provision for alternate water supplies and improved water treatment systems, and
* extensive studies of health and environmental

conditions in the St. Clair River and downstream areas.

OVERVIEW ON MISA

> "MISA's ultimate goal is the virtual elimination of toxic contaminants in municipal and industrial discharges into waterways." [MISA White Paper, p. 7.]

MISA is a significant step forward in supporting this objective, which our two federal governments committed themselves to in the 1978 Great Lakes Water Quality Agreement. We are, however, concerned that it may fall far short of this goal. This suspicion is raised in our minds because the development and implementation of MISA rests much too heavily with industrial polluters -- the source of the problem. In monitoring, in assessing best available technologies economically achievable and in developing regulations, industry is depended upon as the driving force. Experience indicates that when it comes to pollution controls, industry is a follower, responding to pressures exerted by the public's demands for stricter controls and stiffer penalties.

We are convinced, therefore, that achievement of the virtual elimination of toxic discharges will be heavily dependent upon the extent to which the immediately affected public, such as those living in the St. Clair River area, are directly involved in all stages of developing and implementing the MISA program.

DEVELOPMENT OF MISA PROGRAM

Public involvement in the development of the MISA program is critical to its success. Although the MISA White Paper states that Ministry officials held meetings with public interest groups prior to the development and release of this document, we have not been able to find any environmental groups that were part of this process. Industry and government appear to have been consulted in the development of this White Paper, but the directly affected public has not. We find this distressing.

The White Paper proposes certain mechanisms to involve the public in the future development of the MISA program. We fully support these proposals, but make the following recommendations to allow this input to be more meaningful:

1) The public should be included on the technical committees. If the public is to have a significant direct effect on the program, it is critical that they be part of these working groups. It is much easier to affect a program by being part of its formation than by critiquing it after the proposals are detailed. In addition, by being part of the discussions of these technical committees, the public will gain a much better understanding of the problems and possible alternative solutions.

2) Funding should be provided to citizens' group members on the Advisory Committee and on the technical committees to hire technical experts. It is impossible for the public to adequately assess proposals without access to their own professional experts.

3) Ministry staff have stated that draft regulations will be published in the Ontario Gazette and the public will be given 30 days to comment. Thirty days is not long enough for the public to review and prepare comments on draft regulations. We propose that a sixty-day comment period be provided. In addition, a list of interested groups should be prepared to whom draft regulations are automatically sent, rather than relying on groups to discover them through a Gazette that citizens' groups rarely, if ever, see.

BASIC REGULATORY MECHANISMS

Best Available Technology Economically Achievable

Although we recognize this concept as a useful component of the MISA program, we fear it will become the determining factor in making decisions on allowable discharges. The term "best available technology", which is frequently used in the White Paper without the phrase "economically achievable" attached, is very misleading.

BAT is never the "best", most up-to-date technology. It is based on industry statements as to what is available and economically affordable. This creates numerous problems. Because private industry does not give the public access to their books to be able to assess the financial capabilities of the industrial sector, we are left at the mercy of industry in the definition of "economically achievable". In addition, because the economic assessment is conducted on an industry- wide basis, the economic impacts on large and small industries are averaged together. This means that while some companies within one part of the industrial sector could well be able to afford a much higher level of technology than others, they will be allowed to get away with lesser controls.

It is essential to provide motivation for the development of ever better methods for control of discharges. But the use of "best available technology economically achievable" removes the motivation for industrial innovations in pollution control technologies.

We, therefore, urge the Ministry to approach the "best available technology economically achievable" concept with scepticism. Although using it provides useful information for decision-making, the Ministry should always keep in the forefront of its considerations that the goal is "the virtual elimination of the discharge of toxic substances."

Best Management Practices

The institution of best management practices to control spills and unexpected emissions is a critical component of MISA. Spills appear to have become a regular, accepted part of the operating practices of industry. Even after the infamous Dow spill into the St. Clair River and the supposed efforts of industry to prevent such accidents, spills continue. In the past twelve months there have been 39 spills reported in the "chemical valley". Twenty-eight of these were into the water; eleven, into the air. This situation is unacceptable.

Strict best management practices must be made a central component of the MISA program. These should include requiring backup mechanisms that will prevent spills from reaching waterways.

Water Quality Impact Approach

Water quality impact must be the basis upon which decisions are made in the MISA program, not the criterion of "best available technology economically achievable". When making judgements on potential water quality impacts of discharges, the burden of proof should be placed on dischargers to prove that they will not have deleterious impacts.

Discharges should be judged on the basis of the guideline presented by Drs. Chant and Hall in their "Ecotoxicity" report for the Canadian Environmental Advisory Council:

> "Most man-made chemicals cannot remain neutral in a living process. They are either a nutrient or a drug (poison). In the absence of precise evidence, we must assume that all man-made chemicals are poisons with power to modify, often irreversibly, the growth and life of all organisms."

This means that we must strive for zero-discharge of toxics.

The MISA White Paper states that pilot studies will be conducted to "assess and evaluate the impact of various discharges on receiving-water environments." According to the White Paper, a pilot study is now underway on the St. Clair River. We object to the fact that we, the people who are directly affected by contamination problems in the St. Clair River, have not been involved in the development and conduct of this pilot study. We urge the Ministry of the Environment to provide for citizen participation through public meetings and representation of local residents on the committees overseeing this and other pilot studies.

PROGRAM IMPLEMENTATION

Certificates of Approval and Control Orders

These mechanisms for controlling the discharges of individual polluters must not be allowed to weaken the MISA

program. We fear that agreements with individual companies may provide too long of time lines for polluters to come into compliance with the regulations and guidelines developed under MISA.

A critical mechanism for avoiding this potentially serious thwarting of the objectives of MISA is the formal inclusion of local citizens in the process by which such mechanisms are developed. Currently, the Ministry holds public meetings to allow the public to comment on proposed control orders. This is a useful practice, but additional public input opportunities are needed. Representatives of the public should be allowed to be part of the discussions that happen between industry and government while certificates of approval and control orders are being developed.

Monitoring

We are alarmed at the heavy reliance placed by the MISA White Paper on industry for monitoring discharges. Past records prove that industry cannot be relied upon to monitor itself. The provincial government must allocate sufficient resources to undertake extensive monitoring programs.

It is, of course, impossible for the government to monitor all dischargers all the time. Local residents and employees now play an essential role in reporting spills and industrial pollution. The public's role in monitoring could be improved if the provincial government developed the following mechanisms: public education on the regulations and the conditions placed upon individual dischargers, a 24-hour confidential hotline for reporting problems, stronger mechanisms to protect workers who report pollution, and a rewards system to encourage reporting of contamination.

Prosecution

Excellent regulations and efficient monitoring would be vitiated by inadequate prosecution of violators. The Ontario government's "Report on the 1984 Industrial Discharges into the Great Lakes Basin" shows that 40 out of 105 industrial dischargers into the Great Lakes exceeded their effluent guidelines. This alarming situation is the product of an inadequate prosecution system.

The province's newly proposed substantial strengthening of penalties for violation of environmental laws is a significant step forward; we urge the provincial government to pass these changes as soon as possible.

But just as important as having heavy penalties is taking action to prosecute as soon as violations are discovered. As long as industries believe that government will keep giving them one more chance to negotiate on cleanups without taking them

to court, a game of poker will be played between industry and government with each trying to guess what they can get out of the other. Unfortunately, in this game the environment becomes ever more seriously degraded and human health is put at ever greater risk. Therefore, we urge the government to strictly enforce any regulations developed under MISA and to not hesitate to prosecute violators.

Environmental Control Commission

In its paper to you commenting on the MISA program, Greenpeace recommends the establishment of an Environmental Control Commission to oversee the development of MISA and its implementation. We would like the government to give this proposal serious consideration and to put it out for public discussion.

CONCLUSION

The MISA program will ultimately be judged by its success in achieving the virtual elimination of toxic discharges. We are convinced that reaching this goal will be heavily reliant upon the extent to which the public is given a role in developing and implementing the program.

We commit ourselves to act both as watchdogs and as leaders in making sure that the MISA program achieves its goal of the virtual elimination of toxic discharges. Reaching that goal is absolutely essential for the well-being of the Great Lakes ecosystem.

D. Baksillie

OCT 31 1986

10M3117

LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

J. Bishop

FROM: CORRESPONDENCE CENTRE REPLY BY: Nov. 22/86

M.I.S.A. - JACKSON

M

WRB

25 Glen Road
Kitchener N2M 3E7
519-744-7503

October 28, 1986

Mr Jim Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto M4V 1P5

Dear Mr Bradley,

The St. Clair River International Citizens' Network is concerned that the development of the MISA program is proceeding without adequate input from the public. As we said in our MISA brief to you, "We are convinced that achievement of the virtual elimination of toxic discharges will be heavily dependent upon the extent to which the immediately affected public, such as those living in the St. Clair River area, are directly involved in all stages of developing and implementing the MISA program." If the public is not involved at the preliminary stages, the directly affected citizens will be left always playing a frustrating catch up role while industry defines the program.

In our MISA brief, we made some specific recommendations on public participation:

1) inclusion of the public on each of the technical committees,
2) provision of funding to citizens' group members on the advisory and technical committees to hire technical support, and
3) inclusion of local residents on committees overseeing water quality impact pilot studies. Since apparently a St. Clair River pilot study is already underway, we are distressed that we were not immediately contacted on this matter.

We await a description of your position on these three recommendations.

The next meeting of our network is on November 19th. Your response prior to that date would greatly assist us in our deliberations.

RECEIVED
OCT 31 1986
MINISTER OF THE ENVIRONMENT

Yours sincerely,

John Jackson

John Jackson
Coordinator,
St. Clair River International Citizens' Network

PUBLIC

WASTE : CHEMICAL - LAKES

7

Jim Bradley
Ontario Environment
minister
135 St. Clair Ave W
Toronto M4V 1P5

ETM 3013

what is happening to our lakes and rivers is a disgrace and must be stopped at all costs. We can not continue to dump our toxic wastes into the sewers and then into Lake Ontario. The ecology can not stand it any longer. We have polluted lake Ontario in the last 50 years to the point where we can no longer swim in it or eat the fish. Feeding polluted waters deeper into the lake is idiotic and no solution. We must stop pollution at the source. It will be expensive but our future is at stake. What are you doing to stop industry from dumping wastes into the sewer system that flow into the lake. I think toxic or chemical wastes should not be allowed into the sewer system.

RECEIVED
MINISTER OF THE ENVIRONMENT

It should be stored and collected seperately. Then either recycled or disposed of safely. Definitely not dumped into our waters.

Yours truly
Ron Schulz
90 Baby Point Rd
Toronto
M6S 2G3

D. BALSILLIE JUL 30 1986
87073013
LOG #

- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with ☐ Background ☐ Comments
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY: Aug 17/86

TO: WRB
Attn: BISHOP
Reply for Minister's sig.
Reply for D.M.'s signature
Reply my signature
Action requested
Handle at Branch
FOR YOUR INFO.
DATE: 07/30
D. BALSILLIE

58 CALVERLEY TR.
WEST HILL
M1C 3R5.

Aug. 0[illegible]

Hon. M. Bradley,

I am writing to you as a concerned citizen one who has to use tap water every day. It is a disgrace that companies are being allowed to dump chemicals directly into our sewer systems!

Why is this happening, and why are these companies being given a free hand to do it. Your new plan (MISA) to clean up our water is commendable, but it only covers the direct dischargers not the 11,000 industries which indirectly pollute the water.

Why can't the province take a hard-line approach on this matter. For instance, why can't the province set new tougher discharge standards and have the municipalities enforce these laws in their own areas. This way the municipality would have a strong provincial standard behind them to enforce these laws.

08M1307

Please Mrs. Bradley get tough with these polluters!! I have a 7 month-old son and must buy bottled water to protect my family. It makes me so mad when I realize that so many industries for the sake of making a buck willfully pollute the environment. Don't these people realize that without clean air or water we have nothing??

Thank you,

58 CALVERLEY TR.
SCARBOROUGH, ONT.
M1C 3R5

Joanne Byers.

PS. The recent JETCO and B.E.S.T. cases were heartening to see, yet I don't think most people realize that they were charged with contempt of court and not with pollution violations. It seems that this is a prime example of a municipality trying to clean up its water but not having strict enough pollution laws behind it!!

Please reply
Thanks again

M.I.S.A.

294 Gloucester Ave.,
Oakville.ON
L6J 3W9
August 11,1986

Hon.James Bradley,
Minister of the Environment,
135 St. Clair Ave.West,15th Floor
Toronto,ON M4V 1P5

Dear Sirs:

I have become aware of the white paper outlining new water pollution control plans,known as MISA,which places strict regulations and standards on industries who are dischargeing waste directly into Ontario's water courses.

However it seems to ignore the thousands of industries who are regularily dischaggeing industrial wastes into the municipal sewer systems.

Is it not possible to bring these industries under the Provincial umberella so that thes industries will have to abide by the BAT requirements and come under the MISA regulations but be monitored and policed by the municipalities.

It is my understanding that tere is as much effluent being discharged by these smaller industries as by the larger ones who disgarge directly into the provinces water courses.

Your comments would be appreciated.

Yours very truly

G.W.Paterson

D. BALSILLIE AUG 14 1986
08M1414
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

SEPT 4/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

TO: WKB
Attn: D.B.P.
Reply for Minister's sig. ____
Reply for D.M.'s or Assistant's sig. ____
Reply my signature ____
Action requested ____
Handle at Branch ____
FOR YOUR INFO. ____
DATE 08-14
D. BALSILLIE

M.I.S.A.

Hon. James Bradley
Minister of the Environment
15th Floor
135 St Clair Ave West
Toronto
M4V 1P5

Dear Sir

Re: Water quality - MISA

I am concerned about the white paper outlining new water pollution control plans. May I urge that any new law set Best Available Technology standards provincially, and that sewer dischargers pretreat their wastes.

Also, I believe that municipalities should not be expected to control this problem entirely alone. (Municipalities may be no more interested in controlling water pollution than some of them are now in preserving prime farmland.) In short, municipalities cannot be trusted to watch polluters.

Would you please consider these two points in dealing with new regulations.

I would be grateful to hear from you.

Yours truly

Helen Hansen

Helen Hansen
Box 485 Station A
Willowdale Ontario
M2N 5T1

August 8, 1986

D. BALSILLIE AUG 13 1986

08M1309
LOG #

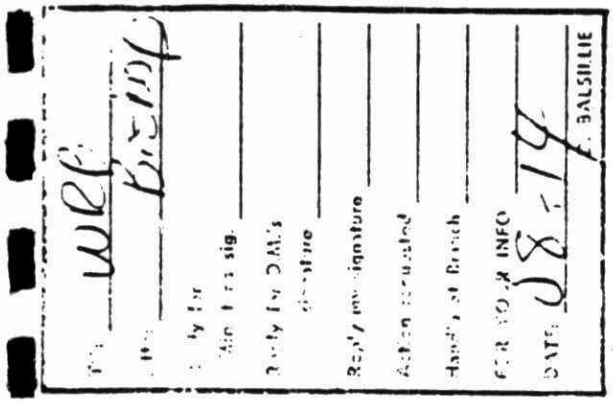
- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with
- ☐ Background
- ☐ Comments
- ☒ Prepare reply for signature by
- ☒ Minister
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE

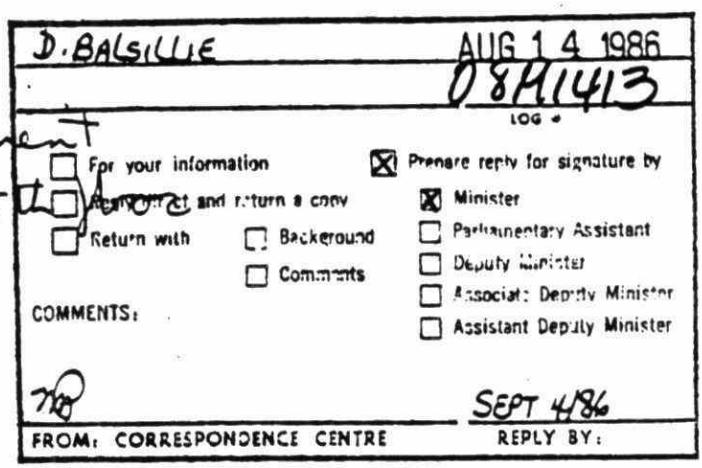
REPLY BY: SEPT 3/86

SEWER DUMPING



1 of 2

Aug 7, 1986
11 Ronan Ave
Toronto, Ont
M4N 2X8



Hon. James Bradley
Minister of the Environment
135 St. Clair Ave West, 15th Floor
Toronto Ont
M4V 1P5

Dear Mr Bradley

I am pleased to learn that the government of Ontario is considering legislation to require industry to clean up its effluent. However I am concerned that the proposed regulations apply only to companies who discharge directly into the water and not those industries that dump waste into local sewer systems. I believe that Best Available Technology standards should be set under provincial law. It is a task too difficult for municipalities. They need more help than currently proposed.

Since sewer dumping involves as much toxic discharge as direct discharge into waterways it is important that it be under provincial regulation.

I am interested in learning your current position on this matter

Sincerely
Shelly Kitchen

WASTE: TOXIC

061h2446

MR MICHAEL HARRISON
43 SYMONS STREET
TORONTO ONT
M4Y 1T7

June 17/86

Dear Mr Bradley.

I just wanted to write to you to tell you what a good job you are doing

I have always been concerned with the health of the environment in Ontario and I think that you are the man to clean it up. For one thing you have certainly been more effective than any of your tory predecessors.

One concern that I feel should be addressed though is the disposal of toxic waste in Lake Ontario and other bodies of water. I know that this issue is difficult because of the problems with International boundaries (most sites are in NY) but I want you to do the best job that you can. You have my full support

Sincerely

Michael Harrison

Scotch® 7664 "Post-It" Routing Request Pad

ROUTING - REQUEST

PPROVE — Kathleen
— finally records
OR WARD — N. Water
ETURN — Reading, Re
EEP OR DISCARD — Thanks
EW WITH ME — Hardy
From

Water Res
Rec'd July 10
HCW

20 Glen Crescent
Fonthill, Ontario
L0S 1E0

June 25, 1986

Date: 1986
Reply for Minister's sig.
Reply for Dept's signature
Reply my signature
Action requested
Handle at Branch
FOR YOUR INFO.
DATE: 07/07
D. BALSILLIE

The Hon. James Bradley
Minister of the Environment
Queen's Park
Toronto, Ontario

Dear Mr. Bradley:

I applaude the actions of your ministry in bringing about new regulations under the Environmental Protection Act and the Water Resources Act to be placed in over 3 years. However, I believe that it is equally important that smaller industries under municipal jurisdiction that dump waste into municipal sewers be regulated.

As an Ontario resident, taxpayer and voter, I assure you that I don't mind being higher taxes and higher prices for retail goods if it means I get a cleaner environment in exchange. As long as jobs don't enter the picture, the decision is easy.

Yours truly,

David W Black

D. BALSILLIE — JUL 4 1986
87M0467
LOG #

☐ For your information
☐ Reply dir ct and return a copy
☐ Return with ☐ Background ☐ Comments
☒ Prepare reply for signature by
☒ Minister
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: July 25/86

David F. Brown Insurance Brokers Ltd.
4218 Lawrence Avenue East, Suite 201, Scarborough, Ontario M1E 4X9 • Telephone: (416) 281-6880

August 11, 1986

Mr. J. Bradley
Ontario Environment Minister
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

Dear Mr. Bradley:

Traditionally I have not been a person to write letters to editors, members of parliament and other government bodies but have been one of the so-called silent majority. However I think times are changing and more people like myself are going to become concerned enough to take some active part in seeking action in areas causing them concern.

I am writing today because of my own deep concern about the pollution problem no doubt threatening the world as a whole but on which I will lower my own sights to the area on which I can realistically hope to see results, that being the province in which my family and I work and live.

In doing some homework on this issue I discovered some incredible facts, a few of which I will mention here. I understand that there are over 11,000 industries discharging waste into local sewage systems and, as the treatment plants are not designed to handle industrial chemicals, these pollutants are flowing through the sewage plants into the Great Lakes. I am advised that while some municipalities have adopted provincial guidelines to control industrial dumping into sewers, many of them cannot or do not enforce the rules and the guidelines are sufficiently weak to render them basically useless. I am advised that Ontario does not regulate sewer discharges, thereby ignoring one of the biggest sources of water pollution in Ontario and I am also advised that Ontario's water pollution control laws specifically exempt municipal sewage plants from having to meet Ontario's water quality requirements.

I believe it is high time that the government of Ontario take responsibility for regulating sewer dumping under provincial law in much the same way it took over air pollution control in the 1960s. There should be no exemption for sewage treatment plants and the goal should be for zero discharge of any industrial waste or pollutants. Laws, when passed, should not be a token gesture but should be strong enough in themselves and sufficiently penalizing following abuse that industry would have no recourse but to comply.

In discussing this with other people I have heard arguments such as this perhaps creating additional unemployment if plants had to close. I think this is a totally spurious argument as I do not believe profitable businesses would close down merely because they would be obliged to stop poisoning the environment in which we all have to exist. I strongly believe that when it becomes evident that they have no alternative industry will comply and our province can start fighting its way back to its original healthy state.

I would greatly appreciate hearing from you with your views on this pressing matter.

Yours sincerely,

David F. Brown

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August 11, 1986

RECEIVED
MINISTER'S OFFICE
AUG 14 1986
Ministry of
Transportation & Communications

Mr. E. Fulton, M.P.P.
Minister of Transport and Communications
Queen's Park
Toronto, Ontario
M7A 1A2

Dear Mr. Fulton:

Traditionally I have not been a person to write letters to editors, members of parliame and other government bodies but have been one of the so-called silent majority. Howeve I think times are changing and more people like myself are going to become concerned enough to take some active part in seeking action in areas causing them concern.

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I would greatly appreciate hearing from you with your views on this pressing matter.

Yours sincerely,

David F. Brown

Ontario

LEGISLATIVE ASSEMBLY
HONOURABLE ED FULTON

MEMBER OF PROVINCIAL PARLIAMENT, SCARBOROUGH EAST

SEWAGE + WATER: BROWN

F. Seto

MEMORANDUM TO: Mr. Mark Rudolph

FROM: Barbara Wilkes, Special Assistant to the Minister

DATE: August 15, 1986

RE: Preparation of a draft response

I have enclosed a letter received from one of Mr. Fulton's constituents. Please prepare a draft respose and forward it to us for Mr. Fulton's signature as soon as possible.

Thank you very much.

D. Barbara Wilkes

D. CARLYLE — AUG 25 1986

08M2505
LOG #

DRAFT
X E. FULTON

- ☐ For your information
- ☒ Prepare reply for signature by Minister
- ☐ Reply direct and return a copy
- ☐ Return with ☐ Background ☐ Comments
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:
WITH COVER MEMO FROM MARK RUDOLPH

WE REC'D THE SAME LETTER → CR. 08M1513

FROM: CORRESPONDENCE CENTRE — REPLY BY: SEPT 8/86

CONSTITUENCY OFFICE
255 Morningside Ave., 3rd Floor
Scarborough, Ontario M1E 3E6
281-2787

QUEEN'S PARK
Ferguson Block, 3rd Floor
Toronto, Ontario M7A 1Z8
965-2101

MISA: (DAMUDE-EMPEY)

P. Peto

D. BALSILLIE AUG 22 1986

(DEP) 08M2210

LOG #

- [ ] For your information
- [ ] Reply direct and return a copy
- [ ] Return with
  - [ ] Background
  - [ ] Comments
- [x] Prepare reply for signature by
  - [x] Minister
  - [ ] Parliamentary Assistant
  - [ ] Deputy Minister
  - [ ] Associate Deputy Minister
  - [ ] Assistant Deputy Minister

COMMENTS:

Sept 12/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

August 14, 1986
350 Cleveland St.
Toronto, M4S 2W6
Ontario

Hon. James Bradley,
Minister of the Environment
135 St. Clair Ave. W.,
15th Floor
Toronto, Ont.
M4V 1P5

Re. Anti Pollution Legislation

Dear Mr Bradley:

I am writing to inform you that I am extremely disappointed with the proposed legislation set forth in MISA for water pollution control.

As you are aware this legislation over looks the indirect offenders

who are currently disposing of waste through the local sewer systems. There must be some provincial legislation to control these offenders as the municipalities do not have the clout to follow through on these without support.

There should be provincial BAT'S (Best Available Technology Standards) which the municipalities could then use in their monitoring efforts.

On a personal note. I am an ecological illness sufferer and am chemically sensitive. I have had to install a $700.00 (seven hundred) dollar water purifier in my home. Why should I bear the expense of the Provincial mistakes and lack of foresight? There is mounding evidence that my illness is a 20th Century phenomena directly related to the high levels of (redacted) Pollution that surround us. Please act Now!

I would appreciate a response

Sincerely L. Jane Damude-Empey
MSW, CSW

L. Jane Damude-Empey

M.I.S.H (MAIN)

August 9, 1986

08H225

Dear Mr Bradley,

We are concerned about the white paper being put forward on industrial water pollution. We understand that the laws will not affect industries that discharge into local, municipal sewers.

Toxic discharge whether dumped directly or indirectly through our sewers will be just as deadly. If the province sets discharge standards then the local municipalities will be better able to police their industries and we shall all profit with clear water.

Some industries seem to act in a rather short sighted manner without conscience. Water is so basic to our existence it seems inconceivable that anyone could intentionally pollute. If we want our environment clean government intervention is necessary. We would like to see tougher laws applied to all industrial discharge.

We would like to hear how you intend to deal with this issue.

Sincerely,

David and Mary Rae Main
28 Mountain St
Glen Williams
L7G 2X4

ASSISTANT DEPUTY MINISTER

205. 21 Grand Ave.
London, Ont. N6C 1L2

Aug 21/86

D. BALSILLIE AUG 25 1986
86M2512
LOG #
☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
SEPT 15/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

Hon. James Bradley
135 St. Clair Ave W., 15th Floor
Toronto, Ont. M4V 1P5

Dear Mr. Bradley:

Re: White Paper on Water Pollution

The MISA plan should produce cleaner effluent from industries discharging directly into Ontario waterways.

But, will municipalities be able to control industries which discharge into sewers? Their (municipalities) batting average has been very poor!

I urge you to require sewer waste be pre-treated before discharge & that you issue BAT Provincial standards for these industries.

Then, we hope, municipalities can take over efficiently.

Very best wishes,

Hilda Brister

P.S. a reply will be appreciated.

SEWER DUMPING - FINDLAY

P. Seto.

D BALSILLIE SEP 2 1986

09M0224

LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: Sept 23/86

Aug. 28, 1986.

468 Durie Street,
Toronto, Ontario,
M6S 3G7.

Mr. Jim Bradley.
Ontario Environment Minister,
135 St. Clair Ave. W.,
Toronto. Ontario,
M4V 1P5.

Dear Mr. Bradley:

I am very concerned about the quality of our drinking water.

I understand that Ontario does not regulate sewer discharges. Furthermore, Ontario's water pollution control law specifically exempts municipal sewage treatment plants from having to meet Ontario's water quality requirements.

Numerous technologies are available to reduce, reuse, and recycle industrial wastes in the factory so they don't need to be disposed of at all. But as long as cheap sewer dumping is allowed, there's no incentive for industry to use them. Ontario should take responsibility and start regulating sewer dumping under provincial law, just as it took over air pollution control in the 1960's. It should also remove the exemption for sewage treatment plants.

I would like to see Ontario adopt an eventual goal of zero discharge of industrial waste into sewers.

I anticipate a response at your earliest convenience.

Yours truly,

P. Findlay

Patricia Findlay

TO: WRB
ATTN: Dir. of
Reply by Signature
DATE: 09-05
D. BALSILLIE

WASTES INTO SEWERS - SHEARD

Pls reply

6 Lawrence Crescent
Toronto, Ontario
M4N 1N1

August 24, 1986

Hon. James Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

D. BALSILLIE AUG 2 8 1986
J. Bradley, WRB 88M2823
LOG #
☐ For your information ☒ Prepare reply for signature
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
FROM: CORRESPONDENCE CENTRE SEPT 18/86 REPLY BY:

Dear Mr. Bradley:

The Municipal Industrial Strategy for Abatement whereby industries will be obliged to make use of the Best Available Technology for cleaning up their effluent before discharging it, is encouraging. However, I urge you to press for controls on the some 11,000 industries which are dumping untreated waste into local municipal sewer systems.

David Oved has ignored a crucial fact in his argument: "...it's six of one and a half-dozen of the other. Pollution Probe suggests controlling pollution at point A and (the government report) proposes point B." (The Toronto Sun, Thurs. July 1, 1986) As Pollution Probe points out, sewage treatment plants are designed to treat sewage, not industrial chemicals. The 300-plus chemical pollutants flowing through Ontario's sewage treatment plants into the Great Lakes are testimony to this fact.

Pollutants must be attended to at their point of origin — before they enter our drinking water — through STP's, our air — through incineration of sludge, and our crops — through landfill seepage. To this end, factories should be obliged to pretreat waste and should be encouraged to reduce, reuse and recycle industrial wastes, to minimize the need for disposal.

Pollution Probe's findings that many municipalities merely require industries to dilute wastes and that others do not enforce guidelines at all, have revealed that the task of monitoring and enforcing industrial waste disposal procedures is too great for municipalities to handle on their own. I therefore uphold Pollution Probe's proposal that municipalities should implement BAT discharge standard as set out by the province.

I would appreciate a response to this entreaty at your earliest convenience.

Yours truly,

Susan Sheard.

Susan Sheard

M.I.S.A : O'FARRELL

August 22, 1986

Plo reply

Dennis O'Farrell
119 Hopewell Ave.
Ottawa, Ontario
K1S 2Z2

Honorable James Bradley
Minister of the Environment
135 St. Clair Ave. W., 15th Flr.
Toronto, Ontario
M4V 1P5

Dear Mr. Bradley:

I am writing with regard to your white paper tabled in June outlining new water pollution control plans. While the objectives are commendable the strategy is incomplete. Without legislating against industrial discharge into municipal sewer systems your initiative to preserve the quality of our water resources neglects a prime source of water pollution. Municipalities will not be able to enforce waste discharge restrictions adequately without province-wide stadards. I urge you to implement provincial Best Available Technology (BAT) discharge standards to industries with sewer outlets.

I would appreciate your written response to my above stated concern.

Sincerely yours,
Dennis O'Farrell
Dennis O'Farrell

D. BALSILLIE AUG 27 1986
T. Bishop, WRB 08M2727
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE SEPT 15/86
REPLY BY:

MISA: DIGBY

Plo reply

63 Marcella Street
Scarborough, Ontario, M1G 1K9
August 25, 1986

MINISTRY OF THE ENVIRONMENT
AUG 29 1986
ASSISTANT DEPUTY MINISTER

Hon. James Bradley
Minister of the Environment
Ontario

Dear Sir

We would like to commend you on your White Paper outlining a new water pollution control plan, i.e. the MISA plan.

Unfortunately you have forgotten about the 11,000 or more industrial polluters who discharge directly into local sewer systems. These systems, as you know, are specifically exempt from having to meet Ontario water quality requirements. Even your own Ministry admits that sewer dumping injects as much toxic discharge into Ontario's waterways as direct industrial discharge.

Why propose such a necessary piece of legislation with a gaping loophole in it? Only a few of the voters are industrialists while we are all drinkers of water.

We believe that the province should set Provincial BAT discharge standards for sewer discharging industries. The municipalities could then carry out monitering and enforcement with the authority of a provincial standard to back them up.

MISA will not offer the municipalities enough help in its present form. A recent example is the JETCO and BEST industries that, after over fifty pollution convictions, had jail sentences imposed for contempt of court, NOT for polluting.

We voted for your Party in the last election mainly because of its stand on environmental issues. Don't let us down with such ridiculous legislative loopholes.

Watching and waiting,

Steve and Rosemary Digby

Steve Digby
Rosemary Digby

D. Balsillie SENT TO MINISTER AUG 28 1986
J. Bishop ENVIRONMENT 09M2802
WRB LOG #
☐ For your information ☒ Prepare reply for signature by
☐ Reply dir ct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister
SEPT 18/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

SEWAGE + WATER : Toxic in SEWERS

Hon. Jim Bradley
Minister of the Environment
Queen's Park, Toronto/Ont.

Aug 28/84 Bishop
Sent Sept 17
Rec'd Sept

S(Ziggy) Kleinau
R.R. #4, Lion's Head/Ont.
N0H 1W0
08M2730

Aug. 23/84

Dear Jim,

I am writing to you out of deep concern about the toxic wastes being discharged by Ontario industries into municipal sewers.

These industries should be under close supervision by your Department together with the Department of Labour following up on their Disclosure of Toxic Materials Act to ensure treatment of their toxic wastes before discharge. The Province should enact strong legislation to this effect, providing for large fines and jail sentences for offenders and should take responsibility for policing this new legislation.

Please act fast and consistent with your aims to protect our precious water resources!

Yours truly Ziggy. (Siegfried Kleinau)

WATER POLLUTION PLAN - CIPAUS

R. R. # 3,
Rodney, Ontario,
N0L 2C0.

D. BALSILLE SEP 10 1986
09M1021
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

FROM: CORRESPONDENCE CENTRE REPLY BY: OCT 1/86

Hon. James Bradley,
Minister of the Environment,
135 St. Clair Ave. West, 15th Floor,
Toronto, Ontario.
M4V 1B5

Dear Mr. Bradley,

In the time period that the Liberal party has formed the government of Ontario, a great deal of progress has been realized in the passage of legislation dealing with acid rain and the Spills Bill. The general perception of the public and myself included has been a positive one. I applaud the efforts of your government in passing legislation with such conviction. But government efforts should not stop here.

My concern in writing to you rests with the state of your Ministry's proposed white paper on the new water pollution control plan. The idea of imposing legislation upon industry to use the best available technology in cleaning up effluent before discharging into watercourses appears to be a very sound approach to a widespread problem. But it is the ultimate effectiveness of this proposal that has caught my attention. This legislation would only control the activities of an estimated 300 industrial operators in the province. Upwards of 11,700 industrial

operations (as estimated by the Ministry) would not be bound by this legislation. I strongly oppose legislation that amounts to nothing more than a virtual exemption for most guilty parties. Standards should be uniform for all industrial operations.

Your white paper has also proposed that municipalities be given responsibility for monitoring and controlling water pollution problems. Speaking as a tax-payer from a rural-based municipality dependant on agriculture, the idea is pure folly. Much like agricultural commodity prices, municipalities are seeing the erosion of former stable tax bases and the subsequent loss of revenue. Local municipalities just do not have the capability of monitoring and controlling the problem. Assistance from the province would help remedy this situation and should be a component of this white paper.

The state of the effluent itself is a problem that is not being properly addressed by this white paper. The fact that it has been estimated that a quarter of all the liquid industrial waste created in Ontario finds its way through sewage treatment plants illustrates the severity of this problem. Just the effect that these industrial discharges have on sewage treatment plant processes alone warrants investigation. Sewage treatment plants are not designed to control industrial discharges. But as long as this bargain sewer dumping is allowed by the legislation in place, the dilema will continue.

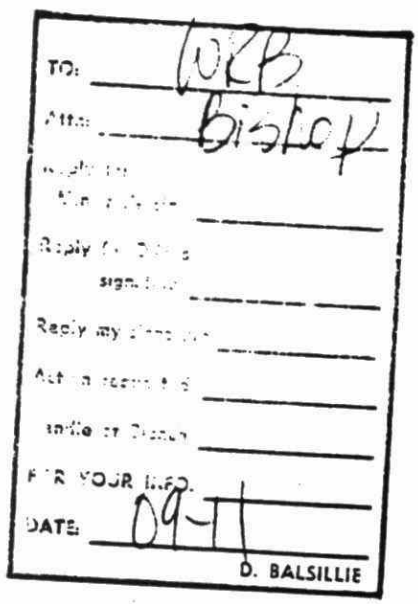
The situation can be corrected though, with the imposition of a provincial standard for all sewer-discharging industries. These industries would be forced to use the best available technology to reduce, reuse or recycle their wastes to avoid disposal altogether. The duties of the local municipality would then be reduced to just monitoring and enforcement - both made easier with a stronger provincial standard.

The effectiveness of past legislation such as the acid rain bill and the Spills Bill lies in it's all-encompassing nature. It would be a shame to see this quality discontinued in the new water pollution control plan.

Hearing your comments on this proposal would be greatly appreciated. I await your reply.

Yours truly,

Donald F. Lipinski



DUMP INTO SEWERS - CONDON

1st September 86

The Honourable James Bradley
Ontario Environment Minister
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

Mr. Bradley,

As a concerned resident of Ontario, I urge you to draft legislation, as soon as possible, that would see the Provincial Government assume responsibility for regulating the dumping of industrial wastes into public sewers. Under this new legislation, municipal sewage treatment plants should have to comply with the same regulations as any industrial polluter.

Ideally, Ontario should aim for an eventual goal of no discharge of industrial waste into sewers. With the growing problems that the Province has been experiencing with fouled beaches and toxic chemicals in our drinking water, I am sure that you are already aware just what a serious problem exists.

I would appreciate it if you would send information on what actions your Ministry is taking and plans to take in this area. Thank you.

Sincerely,
GJ Condon
George Condon
Apt. 117E
30 Fashion Roseway
Willowdale, Ontario
M2N 6B4

D. BALSILLIE SEP 4 1986
0940420
LOG #

- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with Background Comments
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY: Sept 25/86

TO: [illegible]
Attn: [illegible]
Copy for Minister's sig. _____
Reply for D. M.'s signature _____
Reply my signature _____
Action requested _____
Handle at Branch _____
FOR YOUR INFO. _____
DATE: [illegible]
D. BALSILLIE

WATER: GUIDELINES - BROTHERS

P. Seto

[illegible]
Mississauga Ont.
[illegible]
12 August 1985

The Honourable Jim Bradley
Environment Minister
Toronto Ont.

09M1117

Dear Jim Bradley:

I (am) a child who contracted cancer at 2 years of age) am very concerned about our environment. I'm pleased about the water guidelines but feel they don't go nearly far enough to really stem the chemicals getting into our water supply. I feel companies must be held responsible for what they discharge into the [illegible] (lake or sewer system) [illegible]

Yours truly,
Karin Brothers

WASTE: SEWER DUMPING, TOXIC -

CHAMBERLAIN
436 Castlefield Ave.
Toront, Ont.
M5N 1L5
5 Sept. /86

Hon. Jim Bradley, 09M1113
Environment Ministry,
135 St. Clair Ave W.,
Toront M4V1P5

Dear Mr. Bradley,

I am very concerned by the toxic discharge found in Ontario's waterways. I understand that sewer dumping amounts to just as much toxic discharge as direct industrial

RECEIVED
MINISTER OF THE ENVIRONMENT

The municipalities need more help from the Province than they are receiving in MISA. I would like to see provincial effluent discharge standards for sewer-discharging

industries. With the strength of a provincial standard behind them, the municipalities could begin to enforce such standards.

Please send your response to:

Mrs. J. Chamberlain,
436 Castlefield Ave.,
Toronto, Ont.
M5N 1L5

Thank you for your attention to this matter.

Yours sincerely,
(Mrs.) J. E. Chamberlain

D. Galbraith
WRB-Bisnaf.

SEP 11 1986

09H1111
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE REPLY BY:

Hon. James Bradley, cc 12/26
Minister of the Environment,
135 St. Clair Ave. W., Toronto, Ont.

REJECTION. WATER - CONNOR

4-60 Henley Res,
Rexdale, Ont. M9W 2X3,
Sept. 5, 1986.

Dear Sir,

I am writing as a concerned citizen and parent, regarding the increasing amount of toxic chemicals entering our dinking water via sewage treatment plants and direct discharge of industrial wastes into our lakes and rivers.

I understand that there is plan requiring about 300 industries to clean up their effluent before dumping. This is good, but I don't think it goes far enough. According to the Globe and Mail and The Toronto Star, July 31st, there remains 11,700 industries that are disposing their wastes into the provinces sewers The fact that the job of regulating this kind of discharge is left up to the municipalities is unreasonable. They need more provincial assistance. Stricter provincial standards should be set and enforced for sewer discharging industries.

Your efforts to crack water pollution and other serious problems such as acid rain hazardous spills is to be commended. Please concider the proposals made by Pollution Probe in your efforts to further control water pollution. If possible, would you please respond to my letter. Thank you for your time.

Yours sincerely,
Cynthia Conner

MISA — WINDIBANK

Kirk Windibank,
706 Old Tecumseh Rd.,
RR 1,Belle River,Ont.
NOR 1AC (519-735-79?3)

Ministry of the Environment,
Hon.Jim Bradley,Minister,
135 St.Clair Ave.West,
Toronto,Ontario
M4V 1P5

09M1715

Dear Mr.Bradley,

I am writing in response to your invitation regarding the June 1986 "white paper" entitled Municipal-Industrial Strategy for Abatement(MISA).

Being a resident on Lake St.Clair downstream from the Sarnia Chemical Valley,I am very concerned about the chemical pollution originating in the St.Clair River.I am also an avid angler and have just started a charter fishing service.The tumours and deformities I find on the fish I catch are alarming.Your MISA plan is long overdue and I applaud the direction you are taking.I believe implementation of MISA will bode well for our environmental (and your political) future.

I am glad to see even in the first line on page one that your government is admitting an"increasing presence of toxic contaminants in the lakes,rivers and streams".It may seem a small point but just such an admission is a major step ahead of the attitude of the previous Ontario government.Your Federal counterpart seems content to believe that increasing levels of toxins only reflects our increasing ability to detect them,not a real increase in their presence.Such a stance avoids the responsibility of dealing with the problem in any meanigful way.

The immediate need to reduce contaminants at their source is quite well addressed by MISA.I have cautions however about:

- -public involvement;who will judge "best available technology"(BAT)
- -public awareness
- -the degree of self-monitoring that you are entrusting to an industry that has such a poor track record,and
- -sources of toxic contamination other than current direct process discharges.

I have recommendations related to each of these concerns:

1)The decision-making process regarding BAT should be an entirely open one with full public participation.Environmental groups,both large and small,are represented by very knowledgable,reasonable,and well-intentioned individuals.These citizens should have an opportunity to work effectively with your government and industry to arrive at mutually acceptable decisions regarding target levels for pollution reduction and BAT.The increased openness of your government with the public is one of your strongest points and beginning to break down the antagonistic relationships that developed with the prior government.Keep that thrust going by involving,rather than confronting,environmentally concerned citizens throughout the entire MISA process.I believe the industry representatives get a disproportionate share of the Ministry's time and attention because mechanisms have not been put in place to regularly involve the general public and particularly interested citizens.Your white paper hints at correcting this imbalance.I would recommend that you emhance this aspect of MISA and maximize public involvement.Instead of fighting

this crucial battle on two fronts,you will gain a powerful ally to help you during the MISA process and beyond.

Without being too cynical I would caution about collusion within an industrial sector regarding BAT standards establishment.In the white paper you refer frequently to EPA precedents and I would hope you maintain that broad international scope and even world-wide scope in seeking out BAT standards and also in determining what is "economical" for our province in the long-run.Second-rate technologies will only result in further costs later,financial and otherwise.

2)Through public involvement will come a good degree of public awareness.Nevertheless I would recommend even further awareness by giving the public the right to know more about the uses and <u>users</u> of the products created by the chemical industry.To whom does the polluting company sell its product? Is there an alternate non-polluting company that could provide the product?Is any level of government in fact doing business with the polluter by buying his chemicals or products(eg.What companies provide chlorine to municipal sewage treatment plants and are those chlorine producers also polluters?).

By educating the public as to who is contributing to the profits of polluters,the public will be better able to judge whether they want to buy certain products directly or through their governments.Polluters will have to be prepared to have their products become identified with their records for pollution and buyers will have to give consideration to their association and support of polluters.

3)Thank you for putting the St.Clair River at the top of the list of areas for "more stringent reduction programs".The sins committed by the St.Clair River industries are a disgrace to this province and country. They certainly warrant your full focus of attention.I would recommend that these industries owe a great debt to the environment that they have abused for profits.To rely on them to restrain themselves during the monitoring phase would be unwise.I have even heard it suggested that industries may intentionally relax pollution controls during the monitoring phase in order to inflate the original levels from which they will be required to implement reductions.This would seem far-fetched if it were not for the incredible record of accidents since the blob was discovered.

Self-monitoring is very suspect.You well know the industry's record for failure to report acts of pollution.Yet I realize that your Ministry would require an enormous additional budget and a virtual army of inspectors to conduct full monitoring without reliance on the good faith of the industry itself.I have a proposal.

Legislation similar to that of the Occupational Health and Safety (OH&S)Act could require by law that <u>all</u> employees of the concerned industries divulge pollution-related violations without fear of reprisal from the employer.Toxic contamination of the environment is a health and safety matter on a wider scale.Legislation paralleling OH&S would include fines and jail terms,the establishment of committees representing mamagement and employees to meet regularly to review and resolve issues within the company relating to pollution,and the right of an employee to refuse to be party to a violation.

This is just the germ of an idea and I would like to see the appropriate expertise applied to a review of the Occupational Health and Safety Act for the purpose of developing parallel legislation relating to pollution.We don't need to hire a new army of tax-paid inspectors...there is an army of knowledgable citizens already in place within the industry. These individuals and their unions only need to be given the tools(under this proposed legislation)to become a powerful force in your Ministry's assistance.Relieve them of any fear of reprisal or loss of employment so

that they can speak up within their companies (and outside their companies if necessary) to obtain corrections. Minutes of internal pollution committee meetings will record their concerns, warnings, proposed solutions and requests for information and training. Such records could be valuable to your Ministry's enforcement of MISA.

This opportunity for employees is also a responsibility however. Not only the president of a company would be liable for pollution-related charges, but all parties who knowingly or neglectfully allowed or committed a violation. The Ministry would have a fourth source (p.46 #3) of violation reporting, probably one more reliable and consistent than any of the others listed.

If the health and safety of individual employees warrants an Act of law requiring compliance of employees as well as employers, then the health and safety of our environment and that of future generations requires no less.

d) Perhaps I am misreading MISA or am being narrow in my understanding of its scope, but MISA does not seem to address sources of toxic contamination other than direct processing discharges. MISA will address the obvious discharge pipes and sewers but does it include industrial landfill leachates, storage well leaks or existing riverbed loadings? These pre-existing sources could emit pollutants for many years to come. How broad is the MISA definition of "effluent"? Toxins are obviously unwanted regardless of the source. Will MISA require the reduction of loadings coming from such sources, which may contain past, present and future wastes, or will MISA be restricted to current processes only and only those that allow toxins to run out of a pipe?

I am heartened by the MISA proposal and hope that Ontario will lead the way for other provinces and the rest of the country and even other countries in the development of standards and technology of abatement. Our Federal government should take note of the need for similar action in all provinces and become a greater partner in these efforts nationally and internationally. Ontario's good environmental sense should not be allowed to cause this province any financial suffering by way of industry relocation to other provinces where standards for pollution are less stringent.

Thank you for the opportunity to have input and please, as time permits, acknowledge that this letter made its way to you.

Sincerely

Kirk Windrum

cc. Tom McMillan, Minister
Department of the Environment

D. Balsillie SEP 17 1986
09M1715
LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
COMMENTS: ☐ Assistant Deputy Minister

DD OCT 7/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

WASTE DISPOSAL - SEWERS

125 Farnham Ave.
Toronto M4V 1H7.

Sept. 18/86

The Hon James Bradley,
Minister of the Environment,

09M2206

Dear Sir,

I am greatly disturbed by the news that dangerous toxins are being flushed down our drains. Surely our province should control sewer dumping and should prosecute any municipality that allows dumping that endangers the public health.

Please give this matter your immediate attention.

MINISTER OF THE ENVIRONMENT

Yours truly,
Ruth Tait (Mrs. M.A.C. Tait)

WASTE DISPOSAL - GRENZBACH

→ WRE 7

MISA

Miss Helen Grenzebach
14 Colbeck Drive
Welland, Ontario
L3C 5B5

WASTE MANAGEMENT BR

1986 SEP 26 AM 10 11

MINISTRY OF THE ENVIRONMENT
SEP 2 ... 1986
ASSISTANT DEPUTY MINISTER

Hon. James Bradley,
Minister of The Environment
Toronto

WM479
HW

Dear Mr. Bradley,

I am very worried about the method of waste disposal in this province. Will you (province) rather than the municipalities regulate more closely sewer dumping, so that industrial waste is not dumped into the sewers. Will you also tighten controls on sewage treatment plants.

I very much fear our drinking water is becoming polluted.

Sincerely,

Helen Grenzebach

D. Colbeck

SEP 24 1986
0941424
LOG #

☐ For your information
☐ Reply direct and return a copy
☐ Return with ☐ Background ☐ Comments
☒ Prepare reply for signature by
☒ Minister
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE
REPLY BY: OCT 15/86

SEWER DUMPING - SADLER

10110221

September 29, 1986

P. Sadler

Mr. Jim Bradley
Ministry of the Ontario Environment
135 St. Clair Ave. W.
Toronto, Ontario
M4V 1P5

MINISTRY OF THE ENVIRONMENT
OCT 3 1986
ASSISTANT DEPUTY MINISTER

Dear Mr. Bradley:

The dumping of toxic chemicals into sewage treatment plants must be stopped. Because of high toxic-chemical levels, many fish have already been forced from their original habitats while others have been contaminated beyond human consumption. Also, there is a serious threat to drinking water as many toxic chemicals are being found in local drinking water. As our Ontario Environment Minister, you have a great responsibility to the people of Ontario to ensure the protection of their environment and their drinking water. The main flaw threatening these two environmental responsibilities is the dumping of toxic chemicals by more than 11 000 industries into sewage treatment plants throughout Ontario.

Although the Municipal Industrial Strategy for Abattement has recently released plans for a program monitoring levels of 170-200 priority chemicals in stream discharge, nothing is being done dealing with the chemical content of the products released from sewage treatment plants. In fact, they are exempt from present Ontario water quality requirements. How is this possible? Why is this permitted? More than 270 toxic-chemicals have been recordedly found entering the Great Lakes, directly as a result of sewage discharge. Of these 270 chemicals, 83 have appeared in drinking water. Such a great number of toxic chemicals slipping through the sewage filtration system, is a hazard to the biotic community in the Great Lakes. An increase in the amounts of these chemicals could also more seriously affect the drinking water, making it unpalitable and unsafe to humans. Sewage treatment plants are not designed to treat toxic chemicals so therefore, they should not be expected to do so. Dumping of toxic wastes into sewage plants has to be stopped.

When toxic chemicals enter sewage they, not only corrode sewage pipes, but they kill the bacteria used in sewage plants to treat the waste. By decreasing the effectiveness of the bacterial agents, the general sewage pollution increases and the result is a damaged aquatic environment, including, perhaps, the closing of local beaches.

Although most chemicals pass through the system, some chemicals remain trapped in sewage treatment residue. This residue is then burned, releasing the toxic chemicals to the air, which return to the earth by dissolving in precipitation. It can also be used as landfill. In this case it can, quite easily, seep into the groundwater and as a result, pollute it. The residue from the sewage treatment plants may also be incorporated into fertilizer and in turn into the resulting crop, creating a quite poisonous product which is sold to the unsuspecting public.

The longevity of the Great Lakes, as aquatic havens for marine life and as for public playareas, is very important to me. Equally as important to me, is the un-blemished quality of our drinking water. It is for these reasons that I write to you of my concerns. I do not mean to finger accusations, as I understand many of the present policies might have been implemented under the direction of the former government. I would only ask that you reply to me with your concerns on this environmental injustice and to perhaps include any factors which I might have overlooked in studying this situation.

Very Sincerely,

Paul Sadler, Concerned citizen

P.S. A prompt response would be very much appreciated.

Paul J. Sadler
4394 Lawrence Ave E.
West Hill, Ontario
M1E 2T5

D. Balaillie — OCT 2 1986

10M0221.
LOG #

- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ Minister
- ☐ Return with ☐ Background ☐ Comments
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: Oct 23/86

ASSISTANT DEPUTY MINISTER

OPM3027

SEWER DUMPING - HUTCHINSON

Dear Sir

For several years now I have been concerned about matters generally, but especially about the quality of our water supply. As a result I have been purchasing water and hauling it from what I hope is a safe source. I have also been supporting organizations such as Pollution Probe and the Coalition on Acid Rain.

Recently stories have appeared in the newspaper about industrial wastes being dumped into the sewage system, thus finding their way into Lake Ontario and our drinking water. I have only heard of one of these responsible having to suffer any serious consequences and that only after continual disregard for the law and for public welfare.

I urge you as the Minister responsible for the environment to take the steps necessary to stop the irresponsible dumping of toxic wastes. The province should take over the controls on sewage dumping, establish enforceable foremost standards on what can be flushed into public drains and remove the present exemptions for prosecution for municipal sewage plants.

The time is here for stricter controls. Many members of the public are impatient and fed up with the slow progress in cleaning up our environment. Please act now and act decisively.

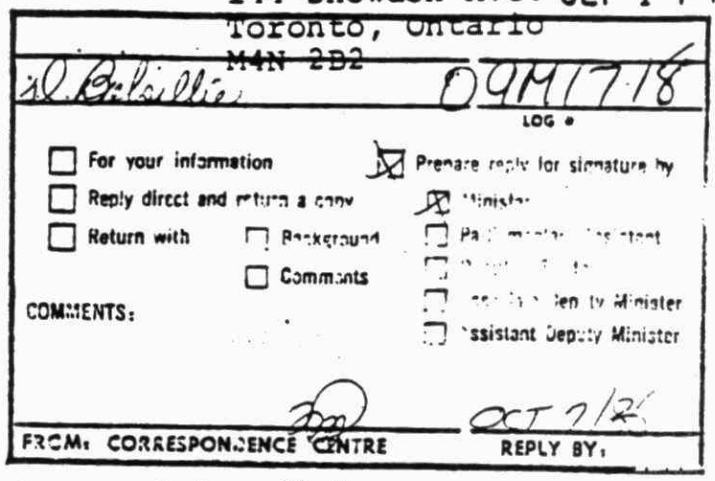
Yours truly,

Shirley Hutchinson

WM465

Wayne Sproul
144 Snowdon Ave.
Toronto, Ontario
M4N 2B2

SEP 17 1986



Mr. James Bradley
Ministry of Environment
135 St.Clair Ave.West
15th Floor
Toronto, Ontario
M4B 5B5

Dear Minister;

The management of Toxic Wastes is a serious and immediate issue, vital to the safe-keeping of our environment as well as our health and being. The upcoming MISA proposal is a step in the right direction in terms of applying BAT standards to those companies that dump their chemical wastes directly into our waterways.

What it does not do, is attack the major part of the issue, which is the vast majority of companies who dump their toxic wastes directly into the sewer system. The municipalities are left with very little power in attempting to control these corporate polluters as the law now stands. If the BAT standards as outlined in the MISA proposal were applied to all companies dumping all wastes either indirectly through the sewer systems or directly into our lakes, then at least the municipalities would have more influence in enforcing a provincial standard.

The seriousness of this matter concerning the health and well being of our people is too important an issue to rest in the hands of the municipalities alone. It is time for all levels of government to unite and begin the restoration of our environment. Mr.Minister I ask you to address this issue immediately.

WASTE MANAGEMENT BR
1986 SEP 18 PM 3:27

Sincerely

Wayne Sproul

SEWER WASTE - BRINK

1)

382 Moxley Rd.
Dundas, Ontario
L9H 5L5

September 18, 1986

Q9M2522

RECEIVED
SEP 25 1986
MINISTER OF THE ENVIRONMENT

Hon. James Bradley,
Minister of the Environment,
Queen's Park,
Toronto.

Dear Mr. Bradley,

Recently I requested a copy of the Hamilton-Wentworth by-law concerning the discharge of wastes into the sewage system. The amount of permissible wastes seems to me to be excessive for such highly toxic materials as lead & cadmium which are restricted only as to dilution (.1 mg/l). The real shocker is that they are completely unrestricted as to total weight.

Monitoring of even this minimal by-law is made completely ludicrous by the fact that there are only four inspectors for the whole of this highly industrial region. A check with one Council

and one former councillor of the town of Dundas convinced me that the municipalities cannot deal with this kind of problem, nor should they have to.

The June 1986 document known as MISA, while addressing itself to the problem of industrial discharge directly into waterways, simply does not go far enough in that it leaves industries free to dilute their toxic wastes & flush them down the sewer where municipal sewage treatment plants ignore or fail to cope with them.

We have gone the dilution route with our pollution when higher stacks were built in the hope that with enough dilution, the problem would go away. To our cost, we now know better. What we need is not dilution but concentration of waste materials at source for recycling — & it must be mandatory.

I urge you to see that discharge into sewage systems be controlled by law at the provincial level. What goes into Lake Ontario at Hamilton concerns us all, especially downstream. It is a provincial matter.

Yours sincerely, (Mrs A.H.) Helen Brink

Hon. James Bradley
Minister of the Environment
Toronto

September 21, 1986.

Dear Sir:

I am writing to you to express my concern about Ontario's sewers. I understand that approximately a quarter of all liquid industrial wastes are dumped straight into local drains. None of our sewage treatment plants are equipped to deal with this kind of toxic pollution, the result being that at least 300 different chemicals are going straight into our rivers and lakes and thence into our drinking water. This is a very alarming situation.

I urge you to stop these disposal practices. Passing the responsability on to the municipalities is not a solution for they do not have the funds, expertise, or even the will to deal with this situation. There must be provincial legislation setting enforceable provincial standards for industrial use of public drains and removing present exemptions from prosecution for municipal sewage plants.

Yours truly

Juliette A. del Junco

JULIETTE DEL JUNCO
58 HOGARTH AV
TORONTO ONT
M4K 1K1

SEP 26 1986

D Bakilla 84-M-C18

LOG #

- [ ] For your information
- [x] Prepare reply for signature by
- [ ] Reply direct and return a copy
- [x] Minister
- [ ] Return with
- [ ] Background
- [ ] Parliamentary Assistant
- [ ] Deputy Minister
- [x] Comments
- [ ] Associate Deputy Minister
- [ ] Assistant Deputy Minister

COMMENTS:

OCT 17/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

MISA - WERENSKIOLD

10m0226

B. E. WERENSKIOLD

130/2626 Woodchester Dr
MISSISSAUGA, Ont.
L5K 3Z7
(416)+822-2021

MINISTRY OF ENVIRONMENT
OCT 3 1986
ASSISTANT DEPUTY MINISTER

The Minister
of the Environment, Ontario
James Bradley, MLA,
Queen's Park
Toronto Ont.

1986/09/26

Subject: MISA White Paper 1986

Sir,

May I, first off congratulate you for taking another stabb at water pollution problems. - Three cheers, and an A- for effort!

Copy of said document reached me only on August 22. Upon consulting with Dr. Peter Beto, your Project Leader, I learned of the deadline for public input the following Sunday, but submissions past that date would be accepted. It was also suggested that I contact your Executive Assistant Mark Rudolph to advise him to that effect. An invitation to comment was likewise extended.

It gives me pleasure to herewith enclose a folder containing a selection of papers bearing on these and related matters.

I also intend to tie this information together with the thrust of your White Paper in form of a covering Memorandum, perhaps within a forthnight or so.

If there are any questions in the interim, please let me know.

yours truly,

B. Werenskiold

D. Balsillie — OCT 2 1986

10m0226
LOG #

☒ For your information
☒ Prepare reply for signature by
☐ Reply direct and return a copy
☒ Minister
☐ Return with ☐ Background ☐ Comments
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

FROM: CORRESPONDENCE CENTRE — REPLY BY: oct 23/86

James Palmer,
[redacted] Ave.
Toronto, Ontario
M4P 2V1

[redacted] – PALMER

Sept. 18, 1986.

Bradley,
Minister of the Environment, 135 St. Clair Ave. W.,
Toronto, Ontario.
M4V 1P5

09M2312

Dear Mr. Bradley,

It has given me great joy to read about your Ministry's efforts to identify and charge various polluters of our natural bodies of water. It gives me even greater happiness that the courts have recently handed out stiff penalties to repeat offenders. I find it strange, however, that the penalties were given for contempt of court rather than for the actual polluting.

What bothers me even more is that municipal waste water treatment plants are exempt from your Ministry's scrutiny and do not have to meet Ontario's water quality requirements. It has always been assumed by many that these plants purify the waste water before allowing the effluent into our lakes and rivers. Unfortunately, there are few municipal by-laws controlling what may, or may not, be dumped into the sewers.

Our present treatment facilities are not designed to remove chemical contaminants, such as lead or exotic organics, currently being dumped by our industries. In addition, these chemicals often inhibit the aerobic and anaerobic bacteria in treatment plants from efficiently decomposing the normal organic content of domestic sewage.

Even overloading the treatment plants with natural organic material, from food processing plants and home garburators, prevents the complete breakdown of these materials before the effluent is discharged.

The existence of combined sewers in many municipalities means that excessive run-off during storms increases the volume of waste water to such an extent that overflow valves are opened to prevent the back-up of sewage within the system. The result is that untreated sewage is released into our rivers and lakes with the storm water.

Very few Ontario treatment facilities have installed the equipment to remove phosphates. Those which have, have done so voluntarily, but often the equipment does not operate continuously. Apparently, there is no enforcement to ensure constant use of the equipment.

A few municipalities are taking the initiative to help your Ministry live up to its goal of providing a cleaner environment. Municipalities can make by-laws about what may, or may not, be dumped into their sewers, but many municipalities do not seem to care and are disinterested in making such by-laws and/or enforcing them. I suspect that they do not care because the effluents from their waste water treatment plants are not subject to Ministry of the Environment (MOE) guidelines.

It would be beneficial to the citizens of Ontario and our natural environment if your Ministry were to make municipal sewage treatment plants comply with your guidelines for any effluent into natural bodies of water. If municipalities were threatened with MOE action if their treatment plants' effluents contained contaminants, it would not take very long for them to make by-laws and/or enforce existing by-laws regarding the dumping of certain materials into their sewers by individuals or industries.

Such action by your Ministry would encourage concerned municipalities to take local action and would force less-than-concerned municipalities to clean up their act. Your Ministry would not be seen as trying to pre-empt control previously held by municipalities, but rather as trying to assist them in doing a better job of protecting our valuable water resources.

cc Pollution Probe
Toronto Field Naturalists

Sincerely,

Janice Palmer

Janice Palmer,
58 Glenavy Ave.,
Toronto, Ontario.
M4P 2V1

MOORE PARTNERS

SEPT. 19, 1986

MINISTRY OF THE ENVIRONMENT
SEP 24 1986
ASSISTANT DEPUTY MINISTER

THE HONOURABLE JAMES BRADLEY
MINISTER OF THE ENVIRONMENT
135 ST. CLAIR AVE. WEST
TORONTO, ONT. M4V 1P5

DEAR MR. BRADLEY,

I AM WRITING OVER CONCERN FOR THE QUALITY OF OUR DRINKING WATER. IT HAS COME TO MY ATTENTION THROUGH POLLUTION PROBE THAT A GREAT NUMBER OF INDUSTRIES ARE SENDING TOXIC WASTES DOWN THE SEWER LINES. SINCE THESE WASTES ARE UNTREATED, THERE IS OBVIOUSLY DANGER TO THE DRINKING WATER AND THE GROUND WATER OF ONTARIO.

I WOULD LIKE TO SEE THE PROVINCE OF ONTARIO TAKE OVER CONTROL OF SEWER DUMPING. THIS WILL ENSURE THAT ACTION IS TAKEN AND ENFORCED, AS THE MUNICIPALITIES DO NOT GENERALLY HAVE THE MONEY OR THE EXPERTISE TO DEAL WITH THE PROBLEM EFFECTIVELY.

NEW PROVINCIAL REQUIEMENTS NEED TO BE SET UP TO STANDARDIZE WHAT CAN LEGALLY BE FLUSHED INTO PUBLIC SEWERS. IN ADDITION, THE CURRENT EXEMPTIONS FROM PROSECUTION FOR MUNICIPAL SEWAGE PLANTS SHOULD BE REMOVED.

THE SITUATION IS URGENT. ONTARIO'S DRINKING WATER IS IN DANGER OF BECOMING TOO POLLUTED FOR SAFE CONSUMPTION. EVEN NOW THE LEVELS OF TOXIC CHEMICALS ARE ALARMINGLY HIGH. IT IS TIME FOR THE PROVINCIAL GOVERNMENT TO TAKE ACTION.

NB1

SINCERELY,

Susan Moore

SUSAN MOORE

D Balsillie — SEP 23 1986 — 04M2332 — LOG #

- ☐ For your information
- ☐ Reply direct and return a copy
- ☐ Return with ☐ Signature of ☐ Comments
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister

COMMENTS:

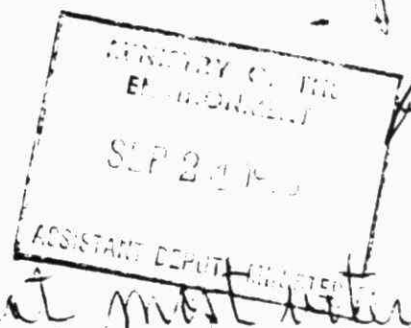
FROM: CORRESPONDENCE CENTRE — REPLY BY: OCT 14/86

276 WESTWOOD DR., OAKVILLE, ONTARIO L6L 4X9 TEL. (416) 849-4840

WASTES INTO SEWERS: CHILDS

Sept. 22, 1986

The Hon. James Bradley
Ministry of Environment
135 St. Clair Ave. W.
Toronto.



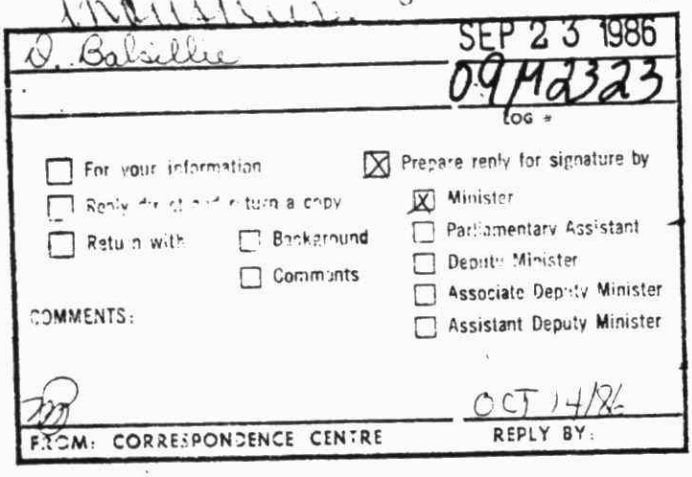
I feel sure that most voters would be outraged and disturbed to find out that many industries flush chemical wastes into our sewage system. A system which is designed to treat sewage and not the number of complex chemicals which come from the home system.

I understand that in some countries, like England, that trade pollution controls have made with heavily polluted rivers as the Thames, clean enough to allow fish to enter and live. More than can be said for our lakes and streams rivers.

Please make the new program for Municipal Industrial Strategy for Abatement strict enough to stop such abuse by intown industries.

Sincerely

Irene M. Childs
Ballingbrook Cres.
Scarborough, Ont
M1N 1B9.



Sewer Dumping - WINBERG

P. Dets

MINISTRY OF THE ENVIRONMENT
SEP 2 - 1980
ASSISTANT DEPUTY MINISTER

Mon, Sept 22nd, '80

09M2506

Dear Mr. Bradley,

I am writing to you about the waste disposal issue in Ontario. I am asking that you please listen carefully to what Pollution Probe has to say on this matter because it's our health that may be going down the drain.

Please prohibit industrial waste disposal via sewers, regulate sewer dumping, and tighten controls on sewage treatment plants. I suggest that the province take over controls on sewer dumping and that there should be an immediate removal of present exemptions from prosecution for our municipal sewage plants.

As minister of the environment, I trust that you will ensure this issue be resolved.

Yours Sincerely, M. Winberg

P.S. A donation has been made to Pollution Probe.

W1213

P. Seto

2436 Carrington Pl.,
Oakville, Ontario,
October 28, 1986

Sewer Dumping - SCHELENBERG

Dear Mr Bradley, 10M3111

It is time that the serious abuse of our sewer system is stopped. Offenders, whether they be the public, corporations or government agencies should be dealt with severely rather than tapped on the wrist. Strong detailed legislation [illegible] stiff harsh penalties for the offenders, money for enforcement money for clean up operations and incentives for responsible environmental corporations.

We must stop sewer abuse now as it affects all of us.

Please inform me as to what your government is doing to alleviate this problem

Yours sincerely
Barbara Schellenberg
844-5182

R. Batsillie — OCT 31 1986
10M3111

☐ For your information
☐ Please discuss with me
☐ Return with reply
☐ Background
☐ Speaking note
☐ Please draft reply/signature by
☒ Minister
☐ Executive Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:

J. Bishop

Nov 21/86

FROM: CORRESPONDENCE CENTRE — REPLY BY:

SEWER DUMPING - GALBRAITH

WASTE MANAGEMENT BR
1986 OCT 15 AM 10:42

43 Cherrydale Court
West Hill, Ontario
M1C 3H1
October 6, 1986

Minister James Bradley
Ministry of Environment
135 St. Clair Ave. W.
Toronto, Ontario
M4V 1P4

Dear Mr. Bradley,

This summer I was saddened when informed that the public beach closest to my home was closed due to a high toxic waste level. After doing some research, I was alarmed to find out many facts pertaining to our sewage treatment plants and the increasing amounts of toxic chemicals that are being routed through these plants into our waterways.

According to research, while only 90 industrial polluters discharge directly into the Great Lakes, there are now over 11,000 industries discharging their wastes into local sewer systems. These systems are designed to treat sewage, not the over 300 chemical pollutants that have been identified flowing through Ontario's sewage plants. In turn, this affects directly to the matter of which I am writing to you- the closing of public beaches. This is due to the fact that these chemical pollutants can eat away at the sewer pipes and upset plant processes, making sewage pollution worse and closing beaches more often.

Most alarming, was the fact that Ontario does not regulate sewer discharges. Also, Ontario's pollution control law specifically exempts municipal sewage treatment plants from having to meet Ontario's water quality requirements. I was disappointed to discover this, and can only hope that this matter will change in the near future.

I do hope I will receive a reply as I feel a great concern in this matter. The public beaches should be beneficial for all and not become pollution dumps from the wastes discharged into our sewage treatment plants.

Yours truly,
Sally Galbraith
Sally Galbraith

D. Balsillie
OCT 9 1986
10M0916
LCG #
☐ For your information
☒ Please reply for signature by
☐ Reply direct and return a copy
☒ Minister
☐ Return with
☐ Briefing
☐ Parliamentary Assistant
☐ Comments
☐ Prepare reply for
☐ Approve reply for Minister
COMMENTS:
☐ Assistant Deputy Minister
J. Bishop
OCT 30/86
FROM: CORRESPONDENCE CENTRE
REPLY BY:

SEWER DUMPING - FINNIE

N. V. FINNIE, M.D., C.C.F.P.
D. W. McLEAN, M.D., C.M., C.C.F.P.
528-8744

W. E. KENNEDY, B.A., M.D., C.C.F.P.
D. J. KRAFTCHECK, B.A., M.D. C.C.F.P.
528-8747

Family Medical Centre

43 FOREST AVENUE
HAMILTON, ONTARIO L8N 1X2

October 1, 1986

MINISTRY OF ENVIRONMENT
OCT 3 1986
ASSISTANT DEPUTY MINISTER

The Honourable James Bradley,
Minister of the Environment,
135 St.Clair Avenue, West,
TORONTO, Ontario
M4V 1P5

Dear Mr. Bradley:

I'd like you to write you today in support of Pollution Probe's attempt to get government responsive to the concerns re the dumping of contaminants and pollution into our sewer system, and eventually into our drinking water.

I think that there should be strict provincial standards on what can legitimately be flushed into public drains, and if these standards are breached, then the force of law should come down strongly on the offenders. If there are present exemptions from prosecution from municipal sewer plants, they should be removed.

I think everything that we can do to improve the quality of the Great Lakes Basin drinking water is in our long term best interest. I can hardly imagine the government isn't vitally interested in this major health concern.

Yours truly,

N. V. Finnie, M.D., C.C.F.P.

NVF/ch

J. Bradley
OCT 7 1986
IOM0719
For your information
Reply for signature by
Return with
Comments
COMMENTS:
J. Bradley
FROM: CORRESPONDENCE CENTRE
REPLY BY:

M.I.S.A. - SMITH

Dear Mr. Bradley: Re: MISA and water pollution

I refer to the new white paper about pollution control plans. May I suggest that any new regulations set Best Available Technology standards province-wide, and that municipalities not be exclusively responsible for controlling pollution. I believe the province should strictly enforce provincial regulations. Would you please consider these two serious suggestions with respect to disposal of waste and water quality.

Yours truly,

Nancy Smith
Box 265
Erin Ontario
N0B 1T0

10M2922

[redacted] - THOMPSON [redacted]

Stewart Thompson

Suite 1802
30 Wellington Street East
Toronto, Ontario
M5E 1S3
(416) 360-[illegible]59

MINISTR[illegible]
ENVIRONMENT

SEP 2[illegible] 1986

ASSISTANT DEPUTY MINISTER

Sept. 18/86

Dear Minister:

I fully support the objectives of the group that wants attention paid to regulating the flow of contaminants in the sewer systems of Ontario.

This serious problem deserves the action being requested of the government of Ontario.

How do you feel about this?

Sincerely,

Stewart Thompson

D. BALSILLIE

SEP 24 1986

094428

LOC

- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ [illegible]
- ☐ Return with
- ☐ [illegible]
- ☐ [illegible]
- ☐ [illegible]
- ☐ [illegible]
- ☐ [illegible]
- ☐ Assistant Deputy Minister

COMMENTS:

OCT 15/86

FROM: CORRESPONDENCE CENTRE

REPLY BY:

SEWER DUMPING - TYRRELL WRB

160 King Street
Simcoe, Ontario
N3Y 3Z9

MINISTRY OF ENVIRONMENT
OCT 2 . 1986
ASSISTANT DEPUTY MINISTER

Hon. James Bradley
Minsitry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Sir:

I have an increasing concern about the toxic waste which is being dumped into the sewer systems in Ontario and passing through sewage treatment plants which are not equipped or capable of screening out these toxic elements.

In order to protect all of us in the long and short term the government of Ontario should take over the control of sewer dumpings and provide enforceable provincial standards on what can be placed in the public sewer system.

It is also important to remove the present exemptions from prosecution for municipal sewer plants which fall below the required standard to protect the environment.

Yours very truly,

J. R. Tyrrell

JRT:csb

cc Mr. Gordon Miller, MPP

D Balsillie OCT 16 1986
10M1641
☐ For your information ☒ Please prepare reply for signature by
☐ Reply direct and send copy ☒ Minister
☐ Return with ☐ Deputy Minister
☐ Comments ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
COMMENTS:
J. Bishop
Nov 6/86
FROM: CORRESPONDENCE CENTRE REPLY BY:

SEWER DUMPING - ROGERS

WK 12

327 Palace Rd.,
Kingston, Ont.
Oct. 8, 1986.

Hon. James Bradley,
Minister of the Environment,
135 St. Clair Ave. West, 15th floor,
Toronto, Ont.
M4V 1B5.

Dear Sir, I wrote to you a while ago, expressing my dismay that industries were legally dumping wastes in municipal sewers that they could not dump directly into lakes or rivers. Please tell me why there are not provincial standards for sewer-discharging industries.

I understand that the chemicals ruin the municipal treatment plants, frequently, and the treatment plants are not equipped to remove the chemicals. Yet, to expect a municipality to control the industry dumping the toxic chemicals is unrealistic. Yet, what is the difference if P.C.B.'s, for instance, reach the lake via the sewer or directly ?

Please write and tell me that this problem has been looked after. I know that you are very busy and have many problems. But I do need my concerns addressed.

Yours sincerely,

Ruby Rogers

Ruby Rogers

N Bobillier OCT 16 1986

10M1629

LOG #

☐ For your information ☒ Prepare reply for signature by
☐ Reply direct and return a copy ☒ Minister
☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister

COMMENTS:
CR 08m 2213 J. Beasley

NOV 6/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

RECEIVED
OCT 16 1986
MINISTER OF THE ENVIRONMENT

SEWER DUMPING - MACINNIS WRB

130 Inglewood Dr.,
Toronto, Ontario,
M4T - 1H5.
October 8, 1986.

10M1633

Honorable James Bradley,
Minister of the Environment,
135 St. Clair Ave. West.,
Toronto, Ontario,
M4V - 1P4.

Dear Mr. Bradley,

I am writing you with the hope that you will end indiscriminate dumping of chemicals into sewers.

Even the Best Available Technology won't solve the problem, yet it is not even being used. Your ministry should be going directly to the industries and factories which are dumping their contaminated wastes into the sewers, which, in turn, emptys into what will become our drinking water.

The government should be spending our money designing and building a separate, more advanced system to treat these contaminated wastes. The benefits would be two-fold. There would be less volume at the present sewage treatment plant and less toxic wastes escaping into the air or into the lake.

If you think about the fact that water is the most crucial nutrient for humans, then no cost is too high for protecting our water supply.

Sincerely,
Alex MacInnis

D. Babillis

OCT 16 1986

10M1632

LOG #

- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ Minister
- ☐ Return with ☐ Background
- ☐ Parliamentary Assistant
- ☐ Comments
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

J. Bishop

FROM: CORRESPONDENCE CENTRE

REPLY BY: NOV 6/86

WRB

575 3rd Avenue East,
Owen Sound, N4K 2J9,
November 4, 1986.

Minister of the Environment,
Parliament Building,
Queen's Park, Toronto.

Dear Sir,

I am writing to protest the vast amount of toxic waste that is going into sewer lines. Sewage treatment plants in Ontario are not equipped to handle this kind of toxic pollutant. This danger in our drains is threatening our drinking water.

I would like to urge that the province take over controls on sewer dumping and that there be enforceable provincial standards on what can be legally flushed into public drains. Immediate removal of present exemptions from prosecution for municipal sewage plants would be effective as well.

Yours truly,

[redacted]

MINISTER OF THE ENVIRONMENT

D. Caballis — NOV 13 1986
IM1305
LOG

☐ For your information ☒ Prepare reply for signature by
☐ Minister
☐ Parliamentary Assistant
☐ Deputy Minister
☐ Associate Deputy Minister
☐ Assistant Deputy Minister
☐ Comments

COMMENTS:

J. Bishop

Dec 4/86

FROM: CORRESPONDENCE CENTRE — REPLY BY:

L. Seto WIC 13 M

SEWER DUMPING - WENDT/MITGES

DR. GUS MITGES, M.P.
House of Commons,
Ottawa, Ontario,
K1A 0A6.
(613) 992-2430

HOUSE OF COMMONS
CANADA

CONSTITUENCY OFFICE
275 Ninth Street East,
Owen Sound, Ontario,
N4K 1N8
(519) 371-1561

Long distance calls to the Constituency Office from anywhere in the Riding can be made *without charge* by dialing *"0"* and asking the Operator for *Zenith 79620*

Ottawa
K1A OA6

November 19, 1986

Honourable Jim Bradley, M.P.P.,
Minister of Environment,
15th Floor,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Dear Mr. Bradley,

Enclosed please find a copy of a letter I received from a constituent of mine, Ms. Mila Wendt of Owen Sound, Ontario regarding controls on sewer dumping.

As her letter is self-explanatory I need not go into the details of it except to say that it would be greatly appreciated if you could look into this matter on behalf of my constituent.

Sincerely,

Gus Mitges

Gus Mitges, M.P.,
Grey-Simcoe.

encl.

D. BALSILLIE NOV 24 1986
IIM2434
LOG #

- ☐ For your information
- ☒ Prepare reply for signature by
- ☐ Reply direct and return a copy
- ☒ Minister
- ☐ Return with ☐ Background ☐ Comments
- ☐ Parliamentary Assistant
- ☐ Deputy Minister
- ☐ Associate Deputy Minister
- ☐ Assistant Deputy Minister

COMMENTS:

J. Bishop

FROM: CORRESPONDENCE CENTRE

DEC 15/86
REPLY BY:

575 3rd Avenue East,
Owen Sound, N4K 2J4,
November 5, 1986

House of Commons,
Ottawa.

Dear Mr. Mitges,

I have the privilege to bring to your attention the current very serious situation regarding toxic waste. Industrial polluters are diverting vast amounts of toxic wastes into sewer lines. This results in the drinking waters of many communities being threatened. There are effective methods for industry to reduce or recycle industrial waste, but after they are not being utilized!

May I respectfully suggest that the province of Ontario take over controls on sewer dumping? This of course would need to be coupled with enforceable provincial standards on what can be flushed into public drains and immediate removal of present exemptions from prosecution for municipal sewage plants.

Thank-you for your consideration.

Yours truly,

Wilda Wolff

M.I.S.A. — CONVERY Peter Sete

11770626

WKB

Dear Sir

I am writing to you as a concerned citizen in reference to the Municipal Industrial Strategy for Abatement (MISA). It is too small a step to take in controlling and preventing dumping of toxic chemicals into streams and

lakes. According to your own Ministry sewer dumping amounts to just as much toxic discharge to Ontario's waterways as direct industrial discharge, and it is growing. Additionally, municipalities should not be expected to handle the task of controlling the problem on their own. With the assistance and backing of the Province, by

-setting provincial Best Available Technology (BAT) discharge standards for sewer-discharging industries, municipalities would be considerably more able to monitor and enforce these standards.

I urge you as a voter and a concerned citizen to incorporate these proposals into your environmental policies and legislation.

Sincerely yours

Lynn Courtney

P.S. Please send your response to me at 16 Dormac Dr. Don Mills, Ont. M3B-1N5

D Batailler NOV 6 1986

11M0626

☐ For your information ☒ Prepare reply for signature by

☐ Reply directly, thank & file ☒ Direct

☐ Return with ☐ Background ☐ For

☐ Comments ☐ Prepare reply for

☐ Appropriate file ☐ Minister

COMMENTS: ☐ Assistant Deputy Minister

J Bishop

NOV. 27/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

Bill & Lida McMartin
146 Elvaston Dr.
Toronto. Ont.
M4A 1N6 (757-7795)
October 29. 1986

WRB

Sewers Dumping – McMARTIN

Minister James Bradley
Ministry of Environment
135 St. Clair Ave. W.
Toronto, Ont. M4V 1P4

Dear Mr. Bradley:

Re: Sewer Dumping

We understand that industries have been discharging wastes by hooking into local sewer lines. Since sewage treatment plants are designed to treat sewage and not the mixture of chemicals, we strongly request that you take tough measures against industrial sewer dumping.

Sincerely,

L. McM.

Bill & Lida McMartin

D Balsillie NOV 5 1986
IIM0513

☐ For your information ☒ Prepare reply for signature
☐ Reply direct and return a copy ☒
☐ Return with ☐ Background ☐
☐ Comments ☐

COMMENTS:

J. Bradley

NOV 26/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

Do it.

The newsletter of the Pollution Probe Foundation. Sept. 1986

RECEIVED
OCT 29 1986
STER OF THE
ENVIRONMENT

10M2927

From The Sewers To You

Down the drain and into the sewer is the fastest way to pour toxic chemicals into your water glass. Over 270 toxic chemicals have been detected flowing through Ontario's sewage treatment plants into the Great Lakes; 83 of these have been found in Toronto's drinking water at one time or another. Although sewage treatment plants flush toxic chemicals into the Lakes which supply fresh water to over five million Ontario residents, Ontario's new water pollution control plan is virtually silent on the matter.

The Municipal Industrial Strategy for Abatement (MISA) released this Spring is an ambitious set of programmes to monitor and identify 170-200 priority chemicals in any discharge stream, and propose techniques for their reduction. Pollution Probe, in a report released July 30, 1986 has criticised the proposed programme for failing to adequately address the problem of sewer dischargers.

Over the past 20 years industries have been switching away from discharging wastes directly into waterways by hooking into local sewer lines. Today, the Province estimates that over 11000 Ontario industries flush toxic chemicals down the drain and into the sewers. Sewag treatment plants are designed to tr sewage and not the complex chemical s which pours in from the interconnect sewer system. When the chemicals hit th plant they can wipe out the bacter culture which treats the sewage and esc into the air to the injury of pla workers.

Even using Best Available Technol (BAT), it is impossible to treat chemical mixture which arrives at th sewage treatment plant. The problem star when industries dump these chemicals i the sewers. They can escape into the through access holes, or overflow into th storm sewers during heavy rainstorms well as flushing into the waterways f which we draw our fresh water supply.

To put an end to sewer dumping, joi Probe's Campaign to Stop Sewer Abuse. S a letter calling for tougher measures t

Minister James Bradley
Ministry of Environment
135 St. Clair Ave. W.
Toronto, Ontario.
M4V 1P4

Please, Sir!
Beatrice + George Bryant
RR#1, Blenheim, Ont
N0P1A0

Toxics On Your Dinner Table?

In May of 1986, we were all alarmed to hear that Ontario food was contaminated with a host of chemical contaminants. A study by the City of Toronto Health Department, found 30 chemicals, many of them long-banned pesticides, in a wide range of foodstuffs. These chemicals were being carried long distances through the air and deposited on crops. Most of the chemicals in the "food basket", like DDT and PCBs, were at low levels. Not so the highly toxic dioxins and furans.

We looked at the findings, notin higher than "allowable" levels of dioxi and furans in milk, meat, eggs and fr The mix of dioxins and furans fo resembled that emitted from garba incinerators -- known since 1983 to be largest source of dioxins to the Canad environment. Believing that Onta residents were already at risk from dioxi in the environment, with some municipalities poised to build new garb

Continued on page 4.

W.R.B

M.I.S.A. - ADDERLEY

B. Adderley
158 Cherry Lane
Thunder Bay, ON
P7B 4W4

Nov. 7, 1986

Honourable Jim Bradley
Ontario Minister of the Environment

11M2431

Minister Bradley:

After attending a citizens hearing on Great Lakes water pollution and reading reviews, I have recently become familiar with the "Municipal Industrial Strategy for Abatement" (MISA) Program. As an effort to control pollution in Ontario's waterways I feel MISA's objectives are sound, yet it is on the application of this program which I would like to express the following concerns:

1. In reference to absolute amounts of allowable effluents, how flexible will these limits be as new information becomes available on contaminants? Will standards set by applying the 'best available technology' be re-examined as research reveals weaknesses and inconsistencies in these standards? Have sub-lethal and synergistic effects of these pollutants been taken into consideration? How has the ecosystem approach to pollution control been applied in this respect?

2. On the topic of effluent monitoring, do municipalities who are responsible for monitoring industries to ensure their compliance with regulations have the time and expertise to do the job effectively? What about the range of contaminants on which industries are required to perform self-assessment--how often and to what extent will the Ministry be involved in these activities?

3. I would like to stress the urgency of these issues. There is a proposed time lag of two to three years before new regulations are to be put into effect. Is it not possible that irreversible damage to the system could take place within this time? Will new regulations come into effect on a reactionary basis only? Do economic considerations take precedence over ecological concerns? A comprehensive plan which includes priorities for action must be established and enacted now. Research into both treatment and prevention must also begin immediately.

In closing, I would like to point out that I am not a scientist or technical expert in this field. As an aspiring young planner of parks and protected areas I have a recurring fear that soon there may be nothing left to preserve--no place left worthy of protection. I think future generations deserve more than that. I trust you feel the same way.

Respectfully,
B. Adderley
Barb Adderley
Geography/Recreation student
University of Waterloo

WRB

November 11, 1986.
60 Dalewood Rd,
Toronto, M4P 2N6.

Minister James Bradley,
Ministry of Environment,
135 St. Clair Ave W,
Toronto, Ontario, M4V 1P4

SEWER DUMPING — MACEACHERN

Dear Sir:

I am a concerned citizen in favour of tougher measures to Stop Sewer Abuse.

The problem starts when industries are allowed to dump their waste chemicals into the sewers. These chemicals can escape into the air through access holes, or overflow into the storm sewers during heavy rainstorms as well as flushing into the waterways from which we draw our fresh water supply.

Please help to stop this dumping of toxic chemicals.

Sincerely,
Mary MacEachern

D. Babsillie
NOV 20 1986
IIM2035
LOG #

- ☐ For your information
- ☐ Reply
- ☐ Return with
- ☒ Prepare reply for signature by
  - ☒ Minister
  - ☐ Parliamentary Assistant
  - ☐ Deputy Minister
  - ☐ Associate Deputy Minister
  - ☐ Assistant Deputy Minister
- ☐ Background
- ☐ Comments

COMMENTS: J. Bishop Dec 11/86

FROM: CORRESPONDENCE CENTRE REPLY BY:

RECEIVED
NOV 20 1986
MINISTER OF THE ENVIRONMENT

Carl Hebb
Water Res Br

MATTHEN MILLER
64 MARCOS BLVD.
SCARBOROUGH, ONTARIO
M1K 5A9

86 NOV 24 P2:33

NOVEMBER 6, 1986.

DEAR SIR

I AM WRITING TO YOU CONCERNING THE MISA OPERATION. I REALIZE THAT THE POLLUTION CRISIS MUST TAKE UP A LOT OF YOUR TIME BUT IF YOU REALLY WANT MISA TO WORK, THEN YOU HAVE TO GO ALL THE WAY WITH IT. FOR EXAMPLE, INSTEAD OF PUTTING MISA TO WORK ON ALL POLLUTING INDUSTRIES, 11 000 INDUSTRIES ARE BEING ALLOWED TO POUR THEIR TOXIC WASTES INTO THE LAKES. WHAT IS THE USE OF ONLY HITTING SOME INDUSTRIES?

IF WE WANT TO SAVE OUR LIVES THEN WE MUST SAVE OUR LAKES FIRST! WHO CARES WHAT THE COST IS TO DO SO? I THINK THAT YOU SHOULD DO WHATEVER IT TAKES TO GET RID OF POLLUTION. IF YOU HAVE TO RAISE TAXES THEN DO IT. ALTHOUGH I AM NOT A TAXPAYER MYSELF BECAUSE OF MY AGE (15), I WOULD GLADLY PAY MORE TO SEE IT PUT TO GOOD USE. I REALIZE THAT THIS WILL CAUSE CONFLICTS BETWEEN INDUSTRIES AND SOME PEOPLE BUT YOU HAVE TO DO WHAT IS RIGHT FOR US ALL. FOR ALL OF US, THINK ABOUT THE DEMANDS I HAVE STATED. THANK YOU.

YOURS TRULY

MATTHEW MILLER

OTHER ORGANIZATIONS

MINISTRY OF NATURAL RESOURCES

Ministry of Natural Resources

Deputy Minister

Whitney Block
Queen's Park
Toronto Ontario
416/965-2704

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SEP 11 1986
DEPUTY
MINISTER'S OFFICE

1986 09 03

MEMORANDUM TO: Rod

Mr. R.M. McLeod
Deputy Minister
Ministry of Environment
14th Floor
135 St. Clair Ave. W.
Toronto, Ontario

RE: MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

The White Paper was reviewed by our Outdoor Recreation Group, Land Management Branch, Conservation Authorities and Water Management Branch and Forest Resources Group. There is no effect on the Forest Resources Group or Conservation Authorities and Water Management Branch programs.

Outdoor Recreation comments that MNR should be a strong supporter of the MOE initiative. They have some concerns however, "about some of the details (or lack thereof) in the document". As a general comment, it is not evident in the draft strategy as to where and when other government agencies may review proposed regulations. Outdoor Recreation is also concerned that no clear statement is made about MNR involvement in the water quality impact approach and modelling (see page 15 and page 39). Setting limits involves designating potential use, and therefore includes fish and wildlife production and associated habitat. MNR should be involved in this process. Pilot studies have apparently been undertaken (see page 27). Outdoor Recreation questions where these studies are located and how MNR is involved, and advises that these issues need to be resolved soon, so that MNR has an established working relationship with MOE before full implementation of MISA.

Land Management Branch's area of concern is monitoring of leachate dispersal from MNR waste disposal sites in Northern Ontario. This is being done in compliance with the Environmental Protection Act.

I hope these comments will be helpful. If you have further questions, please have your staff contact Tim Millard, Executive Co-ordinator, Outdoor Recreation Group (5-5661) or Sherry Yundt, Director, Land Management Branch (5-2741).

Mary Mogford
Deputy Minister

cc: T. J. Millard, Exec. Coord., Outdoor Recreation
M. R. Garrett, Exec. Coord., Lands and Waters

MINISTRY OF INDUSTRY, TRADE & TECHNOLOGY

Ontario

Office of the
Deputy Minister

Ministry of
Industry, Trade
and Technology

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SEP 8 1986
DEPUTY
MINISTER'S OFFICE

Hearst Block
Queen's Park
Toronto, Ontario
M7A 2E5
416/965-7837

August 29, 1986

Memorandum to: Mr. R. M. McLeod
Deputy Minister
Ministry of Environment

From: Patrick J. Lavelle

Re: Municipal-Industrial Strategy For Abatement.

Thank you for your recent memorandum and the copies of the outline for your Ministry's new initiative on controlling discharges into surface waters.

We have reviewed this information and do not see any conflict with the policies or programs of this Ministry. Copies of the MISA policy and program statement have been forwarded to the appropriate staff in this Ministry with the request that they bring this program to the attention of those new companies which may have to meet these regulations. As in the past, we will continue to have staff from your environmental approvals group meet with our new industrial project clients when appropriate so that our client group will be fully informed of provincial requirements.

I am also fully prepared to have our senior staff work with yours to ensure the success of any government-industry consultative process for these regulations.

Thank you for the opportunity to comment on this program.

P. Lavelle

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
GREAT LAKES NATIONAL PROGRAM OFFICE
536 SOUTH CLARK STREET
CHICAGO, ILLINOIS 60605

REPLY TO ATTENTION OF:

pc PJC

SEP 1980

Mr. C. F. Schenk
Assistant Director
Water Resources Branch
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario, Canada M4V 1P5

Dear Mr. Schenk:

Thank you for the opportunity to review and comment on the Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters (MISA). It is a pleasure to see that the Ministry is making use of regulatory programs developed by the U. S. Environmental Protection Agency (USEPA) by direct incorporation and reference. USEPA and the Great Lakes States have gained immeasurable experience in operating our regulatory programs and would be available to provide assistance to the Ministry in areas such as permits, compliance, enforcement, pretreatment and water quality.

Following are our specific comments on MISA.

1. Electroplating/metal finishing was not considered as a major sector. Our experience has shown that this tends to be a problem industry because of the heavy metal sludges generated, many small operators and discharges to municipalities.

2. The process whereby effluent limitations are established for the protection of receiving water quality appears to rely too heavily on a demonstration of instream water quality impacts before limits are set. It is our concern that in many cases such a demonstration may be very time and resource consuming and eventually inconclusive. The process would be more workable and effective if water quality-based limits were to be developed to ensure compliance with established instream standards, such as the Provincial Water Quality Objectives.

3. The section on Abatement and Enforcement (pages 45-49) does not have a discussion on penalties and lawsuits. We would be very much interested in reviewing existing or proposed approaches.

4. It has been our experience that self-monitoring data quality will improve with time as the laboratories become familiar with the monitoring and analytical techniques and quality assurance programs are established. Initial data may be of questionable quality.

5. The MISA program will consider pretreatment for industries discharging into sanitary sewers and combined sewer overflows (CSO) in establishing appropriate control technologies. However, the strategy does not state whether or not regulations will be developed. We have found that CSOs and industries discharging to municipal systems are significant sources of contaminants that impact receiving streams. Attached for your reference is a copy of the USEPA Region V NPDES Permit Strategy for Combined Sewer Systems.

6. It is stated on page 14 of the strategy that through the monitoring regulation, a large data base on toxic contaminants in direct discharges will be built on existing industrial and municipal data bases. Several questions come to bear regarding this statement:

1) Who is defined as a direct disharger?

2) Will the data base be computerized? and

3) Will the results of monitoring be made available to the United States and International Joint Commission?

If I can be of any further assistance, please do not hesitate to call me at (312) 353-2117.

Sincerely yours,

Vacys J. Saulys, Acting Director
Great Lakes National Program Office

Enclosure

USEPA - REGION V

NPDES Permit Strategy for Combined Sewer Systems

AUG 1988

Introduction

Communities in Region V must improve control of discharges from combined sewer systems to adequately protect water quality. Therefore, a combined sewer overflow control strategy is hereby established. This strategy is intended to result in more effective community management of combined sewer systems through planned operation and maintenance procedures, and construction, if needed to attain designated uses and meet water quality standards.

The authority to require permit conditions to control discharges from combined sewer overflows is found in the Clean Water Act, Section 402(a)(1) which authorizes the Administrator to impose such conditions as may be necessary to carry out the provisions of the Act. Under that authority, this strategy requires management of CSOs on a systemwide basis to be accomplished by following specified operation and maintenance procedures. This strategy provides that further construction to control CSOs is only required if necessary to meet water quality standards after application of all management requirements required by this strategy.

In order to minimize discharges from combined sewer systems and their resultant impacts on water quality, the regulatory Agencies will require improved system management through imposition of NPDES permit requirements, enforcement actions where appropriate, and operation and maintenance technical assistance programs to incorporate the conditions set forth by this strategy. Where necessary, the Region will work with the States to provide technical information to implement the requirements established by this strategy.

In certain communities both sanitary sewer systems and combined sewer systems collect and transport wastewaters to the POTW for treatment. Strict requirements for those portions of the service area which are served by sanitary sewers are well established. One of the most important of these requirements is that all bypasses from sanitary sewer systems are prohibited except as authorized by 40 CFR §122.41(m)(4). In combined sewer systems, bypasses are also prohibited based on the same regulatory authority. In this strategy, the term "overflow" is reserved for wet weather discharges from combined sewer systems. It is overflows from combined sewer systems that this strategy addresses. Terms used in this strategy are defined in Appendix A.

In the past, attempts have been made to apply the operational standards for combined sewers to separate sanitary sewer systems which, for whatever reason, function as combined sewer systems. This concept is not consistent with the definition of a combined sewer as specified in the regulations (Appendix A, No. 3). These sanitary sewer systems must adhere to the strict design and operational standards, including enforcement of sewer use ordinances, that have been established to protect the integrity of the sanitary sewer system and wastewater treatment facilities. Examples of design and operational standards which apply to sanitary sewer systems and sanitary portions of combined sewer systems are provided in Appendix B. The standards which apply to combined sewer systems are also indicated. States must apply these minimum standards to systems within their jurisdiction.

In terms of operation of the existing complete waste treatment system, the permittee will be required to develop and implement an Operational Plan as defined in this strategy (Appendix A, No. 12). If water quality problems persist, construction will then be required via the NPDES permit.

Implementation

A phased approach to implement this strategy is established. The States have identified all communities operating combined sewer systems. Each State will now need to prioritize its dischargers with combined sewer systems in FY 1986 for application of this strategy beginning in FY 1987. Those systems with potential control needs have already been identified in the 1984 Needs Survey. This strategy is intended to supplement any analysis of needs or control plan development under the Construction Grant Program, and is intended to apply to all permittees.

Each State must also analyze its existing statutory and regulatory authority, and where necessary, make changes to implement this strategy. Phase I of the strategy will be implemented through the NPDES Permit reissuance/modification process beginning in FY 1987 and continuing thereafter as identified in each State's Annual Program Plan, whenever a permit for a community with a combined system is modified or reissued. Ideally, all major permits will be modified by the end of FY 1988, and all minor permits completed at the end of 5 years in accordance with the minor permit reissuance strategy. Eventually, all NPDES permits for POTWs with combined sewers will contain, as a minimum, the management requirements for CSO control presented in Phase I of the strategy.

Where the application of management requirements is not sufficient to ensure attainment of designated uses and/or water quality standards, Phase II activities will be required. Depending on the water quality problems caused by the discharger and the status of its permit, Phase II, or at least the condition which requires development of a Control Plan, should be implemented simultaneously with Phase I. As part of implementation of this strategy, in its FY 1987 Program Plan, each State will need to identify those permittees where Phase II will be required; and identify those that will be addressed in FY 1987. A schedule for inclusion of Phase II activities in all permits where necessary, should be included in each State's FY 1988 Program Plan.

Phase I Activities - Best Management Practices

The basic objective of Phase I is to incorporate best management practices into permits, that will:

- protect and maintain the integrity of the complete waste treatment system;
- require the permittee to initiate actions to provide additional capacity when system or subsystem capacity is approached;
- reduce the total loading of pollutants going into the stream from the complete waste treatment system.

All NPDES permits issued to communities served by combined sewer systems, in whole or in part, must contain the following NPDES permit conditions, or their equivalent, as applicable:

1. This permit may be modified to incorporate additional specific requirements concerning combined sewer overflows, bypasses, system management, etc., if determined to be necessary by the (State Agency) or USEPA, Region V. (Re-opener clause)

2. During the period beginning on the effective date of this permit and lasting until the achievement of the final conditions, the permittee is authorized to discharge from overflow point(s) listed below in accordance with the requirements contained in this permit. (All overflow points in the system must be authorized, or eliminated in accordance with an enforceable schedule specified elsewhere in this permit.)

   The authorized discharge overflow points, locations and receiving water(s) are listed below:

OVERFLOW POINT	LOCATION	MAP REFERENCE POINT OR LAT/LONG	RECEIVING WATER

3. During dry weather flow conditions, the permittee shall not intentionally divert waste streams from any portion of a treatment facility i.e. bypass except in accordance with 40 CFR 122.41(m). (bypass prohibition)

4. The permittee, within 6 months of the date of this permit, shall review and where necessary, modify its existing sewer use ordinance to ensure it contains provisions which (1) prohibit introduction of inflow sources to the sanitary sewer system; (2) prohibit construction of new combined sewers; (3) require that new construction tributary to the combined sewer system be designed to minimize or delay inflow contribution to the combined sewer system; and (4) provide that any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available. If no ordinance exists, such ordinance shall be developed and implemented within 6 months. (Requirement for a sewer use ordinance.)

5. During wet weather flow conditions, the permittee shall maximize the volume of flows transported to the treatment plant for treatment consistent with the effluent limits specified in this permit, prior to overflows being authorized. Such maximization shall be accomplished by development and implementation of an operational plan, which integrates both dry and wet weather operation.

Said operational plan shall be developed within 6 months of the issuance of this permit, and submitted for approval to the (State Agency). Upon approval, said plan shall be expeditiously implemented, but in no case shall complete implementation exceed 1 year from date of State approval. Thereafter, the permittee shall maintain a current operational plan updated to reflect system modifications, on file at the POTW. (Requirement to develop and implement an operational plan.)

6. Construction of new combined sewers to any areas not currently served by an existing sewer system is prohibited. (Further extention of combined sewer system prohibited.)

7. The permittee shall develop and institute a regular maintenance program including: sewer inspection; sewer, catch basin and regulator cleaning; sewer replacement where necessary; and disconnection of connections not authorized by the Sewer Use Ordinance; to maintain system integrity and minimize infiltration. (Requirement for regular maintenance program; part of operational plan.)

8. The permittee shall regularly monitor flow at key hydraulic control points, within the sewer system. Key hydraulic control points are those points which discharge to the interceptor from major tributary subsystems. Such monitoring will be used to generally locate sources of excessive infiltration, allow comparison of actual flows to design sewer capacities, and aid in identification of in-system storage capacities. (Requirement for in-system flow monitoring.)

9. The permittee shall be required to analyze alternative means to either reduce flows or provide for capacity increases on a timely basis, once the overall system or any major subsystem approaches capacity. If the permittee does not institute such measures, this permit shall be modified to restrict sewer hookups until such time as corrective actions by the permittee have been implemented. (Requirement to increase capacity and reopener clause.)

10. Fifteen months after State approval of the operational plan, the permittee shall submit a report to the (State Agency) on the status of implementation of its sewer use ordinance, operational plan, regular maintenance program, and flow monitoring. Such report shall detail any problems encountered, and measures planned on being implemented, or already implemented, to correct such problems. (Reporting requirement upon implementation of Phase I.)

The inclusion of the above conditions is considered an attainable first step in improving system management by permittees with combined sewer systems.

Phase II Activities

Under Phase II, those dischargers causing significant water quality problems linked to overflow events, as determined by the State, will be targeted for additional control measures.

In making this judgement, special emphasis will be afforded to those dischargers with the greatest likelihood for the presence of toxicants in their overflows, and those dischargers causing violations of water quality standards, sediment quality guidelines or criteria, and/or adverse impacts on the aquatic community. In this regard, the goal of the strategy is the reduction of pollutants in accordance with section 101(a)(1) of the Act.

Schedules for completion of the requisite water quality assessments to fully define the extent of the problem will be individually determined for the targeted dischargers and will be incorporated into the State Program Plans for FY 1987 and beyond, and where necessary, into applicable NPDES permits, upon reissuance. Beginning with the annual program planning process for FY 1987, permits for targeted facilities should be modified, as appropriate and where necessary, to include additional specific conditions for Phase II. This process will continue on a priority basis as specified in each States FY 1987 Program plan until all dischargers identified as requiring control beyond Phase I have been addressed.

Permit conditions set forth below are examples of requirements to be included into permits, as determined appropriate for the most significant water quality impact dischargers, when their permits are modified or reissued.

1. The permittee shall conduct combined sewer overflow monitoring and, if requested, stream monitoring in the manner specified by the State to accurately determine receiving water quality impacts of its CSOs. Such impact assessment shall be submitted to the State in accordance with the allotted timeframe. (Requirement to conduct sampling, if necessary.)

2. Within ___ months of notification by the State that the permittee's CSOs are affecting designated uses of the receiving stream and/or are causing violations of the water quality standards, the permittee shall develop and submit a plan to control CSOs (by sufficiently limiting inflow, by controlling the sources generating toxic pollutants, and/or by providing for the construction of any necessary control and/or treatment facilities) which will eliminate the use impairment/water quality standards violations. (Requirement to develop and submit a CSO Control Plan.)

3. The permittee shall evaluate its sanitary and combined sewer system and develop an effective sewer rehabilitation program. Said rehabilitation program shall be implemented on the schedule specified elsewhere in this permit. (Requirement to rehabilitate sewers.) (Note: This condition becomes part of Phase I if the permittee is the recipient of a Construction Grant).

4. This permit, after the opportunity for public notice, may be modified to include a construction schedule to implement the CSO control requirements developed under this Part, and also any specific effluent limitations, if necessary, to ensure compliance with WQS. (Reopening clause and requirement to construct CSO control facilities.)

5. The permittee shall update its operational plan within one year after implementation of Phase II requirements. Such updated plan shall be submitted to the State within the one year timeframe. (Requirement to update operational plan.)

APPENDIX A

DEFINITIONS

1. BEST MANAGEMENT PRACTICES (BMPS) - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (40 CFR 122.2).

2. BYPASS - the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122. 41(m)(4)). "Treatment facility" means "Treatment Works" as defined below.

3. COMBINED SEWER - a sewer that is designed as a sanitary sewer and a storm sewer. (40 CFR 35.2005(b)(11)). (This is distinguished from a sanitary sewer to which inflow sources prohibited by the sewer use ordinance have been connnected).

4. COMPLETE WASTE TREATMENT SYSTEM - a complete waste treatment system consists of all the treatment works necessary to meet the requirements of title III of the Act, involving: (i) the transport of wastewater from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished; (ii) the treatment of the wastewater to remove pollutants; and (iii) the ultimate disposal, including recycling or reuse, of the treated wastewater and residues which result from the treatment process (40 CFR 35.2005(b)(12)). (the catch basins and overflow points are part of the complete waste treatment system in a combined sewer system. Also see No. 17, below.)

5. DRY WEATHER FLOW - flows that are not attributable to rainfall or snowmelt, and include infiltration.

6. EXCESSIVE INFILTRATION - the quantity of infiltration which can be economically eliminated from a sewer system as determined in a cost-effectiveness analysis that compares the costs for correction of the infiltration conditions to the total costs for transportation and treatment of the infiltration. (40 CFR 35.2005(b)(16)).

7. EXCESSIVE INFLOW - the quantity of inflow which can be economically eliminated from a sewer system as determined by a cost-effectiveness analysis that compares the costs for correcting the inflow conditions to the total costs for transportation and treatment of the inflow (normally determined in conjunction with the determination of excessive infiltration). (40 CFR 35.2005(b)(16)).

8. INFILTRATION - water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. (40 CFR 35.2005(b)(20)).

9. INFLOW - water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. (40 CFR 35.2005(b)(21)).

10. NONEXCESSIVE INFILTRATION - The quantity of flow which is less than 120 gallons per capita per day (domestic base flow and infiltration) or the quantity of infiltration which cannot be economically and effectively eliminated from a sewer system as determined in a cost effectiveness analysis. (40 CFR 35.2005(b)(28)).

11. NONEXCESSIVE INFLOW - The maximum total flow rate during storm events which does not result in chronic operational problems related to hydraulic overloading of the treatment works or which does not result in a total flow of more than 275 gallons per capita per day (domestic base flow plus infiltration plus inflow.) Chronic operational problems may include surcharging, backups, bypasses, and overflows. (40 CFR 35.2005(b)(29)).

12. OPERATIONAL PLAN - The objective of the operational plan is to reduce the total loading of pollutants entering the receiving stream from the complete waste treatment system. This plan, tailored to the local government's complete waste treatment system, will include mechanisms and specific procedures to ensure:

    a. the collection and treatment systems are operated to maximize treatment;
    b. all dry weather flows are treated to the level specified in the permit;
    c. storm water entry into the sewerage system is regulated;
    d. the sewerage system hydraulic and storage capacity is identified and fully utilized during wet weather with eventual treatment of stored flows;
    e. the greatest quantity of wet weather flows receive maximum possible treatment;
    f. the sewerage system is adequately maintained to ensure optimum operational capability.

13. OVERFLOW - the uncontrolled diversion of waste streams from a combined sewer system which occurs during wet weather when flows exceed conveyance capacity.

14. SANITARY SEWER - a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally. (40 CFR 35.2005(b)(37)).

15. SEWER USE ORDINANCE - that ordinance or other legally binding document enacted to prohibit any new connections from inflow sources into the sewer system and require that new sanitary sewers and connections thereto are properly designed and constructed. Such ordinance shall further require that all wastewater introduced into the sewer system does not contain toxics or other pollutants in amounts or concentrations that endanger public safety and physical integrity of the sewer system, pump stations or wastewater treatment facilities, cause violation of effluent limitations or water quality standards, or preclude the selection of the most cost-effective alternate for wastewater treatment and sludge disposal. (40 CFR 35.2130).

16. STORM SEWER - A sewer designed to carry only storm waters, surface run-off street wash waters and drainage. (40 CFR 35.2005(b)(47)).

17. TREATMENT WORKS - Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes used to implement section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the design life of the works. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including acquistition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such composting sludge, temporary storage of such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other methods or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems. (40 CFR 35.2005(b)(48)).

Design and Operational Standards Applicable to Sanitary Sewer Systems

* 1. Types of wastes that are prohibited from introduction into the sanitary sewer to protect the integrity of the system shall be specified in the sewer use ordinance or other legally binding document.

2. Maximum allowable infiltration rates for new sanitary sewer extensions shall be specified. Tests for determination of such infiltration rates shall also be specified.

3. Inflow connections to the sanitary sewer system are prohibited.

4. A program shall be conducted whereby existing inflow sources to the sanitary sewer system are located and eliminated.

* 5. A continuing program to maintain and rehabilitate sewers as necessary to minimize infiltration rates and otherwise maintain the integrity of the system should exist.

* 6. Bypasses from sanitary sewer systems are prohibited, except in accordance with 40 CFR §122.41(m).

* 7. Permanent flow monitoring stations should be located at key hydraulic control points within the sewer system. Such monitoring can be used to generally locate sources of infiltration and inflow, and allow comparison of actual flows to design sewer capacities, so that necessary maintenance and construction can be performed on a timely basis.

* 8. Sewer hookup restrictions should be instituted by the local government when flows in the system or any major subsystem approach capacity. The owner should analyze alternative means to either reduce flows or provide for capacity increases on a timely basis.

* 9. The local government shall be required to enforce its existing sewer use ordinance, or develop and enforce a sewer use ordinance if one does not exist. A mechanism to accomplish this can be regular sewer inspection and inspection of sewer users.

* - Indicates that such design and operational standard is also applicable to a combined sewer system.

MINISTRY OF MUNICIPAL AFFAIRS

Ontario

Office of the Deputy Minister

Bureau du Sous-ministre

Ministry of Municipal Affairs

Ministère des Affaires municipales

777 Bay Street
Toronto, Ontario
M5G 2E5

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DEPUTY
MINISTER'S OFFICE

September 4, 1986

MEMORANDUM TO: Mr. R. M. McLeod
Deputy Minister
Ministry of the Environment

SUBJECT: Municipal-Industrial Strategy
For Abatement - White Paper

This White Paper outlines a major program to control and eliminate all toxic pollution from industrial and municipal sources in Ontario.

As we have already indicated in commenting on the cabinet submission that preceded the White Paper, our Ministry is concerned about the potential financial impact of this program on the municipalities.

The White Paper sets out a phased and negotiated approach to implementation to be based on technical standards that are "economically achievable". Nonetheless, the cost implications remain vague and the cost of upgrading municipal plants to meet the stated objective of zero discharge of toxics may be very high, unless there is significant progress in reducing the sources of toxic pollution into municipal systems.

Unfortunately, the municipal ability to prevent pollution at source is not dealt with very substantially in the White Paper. We trust this aspect will be given full consideration along with measures to upgrade municipal treatment facilities themselves.

We would also be concerned with any policy to tie the municipal funding share of this and other proposed new MOE sewer and water programs to new Federal funding. Since the latter is uncertain, this would leave the municipalities and this Ministry unable to determine whether the new standards to be developed in this program are "economically feasible" at the municipal level.

Given these concerns, we are pleased to note that the Association of Municipalities of Ontario is to be included on the Advisory Committee of the Pre-Regulation Monitoring Program, and that the Municipal Engineers' Association of Ontario will be represented on the Technical Committee. I would also like to discuss the possibility of having a representative from this Ministry on the Pre-Regulation committee structure.

Thank you for the opportunity to comment on the White Paper.

E. M. Fleming
Deputy Minister (Acting)

T. McMILLAN, FEDERAL MINISTER OF THE ENVIRONMENT

M.I.S.A. - McMILLAN

Minister of the Environment

Ministre de l'Environnement

CANADA

c.c: Bishop
Balsillie
Shuttleworth
Kingston

MINIST.
ENVIRONMENT
OCT 1 1986
ASSISTANT DEPUTY MINISTER

26 September, 1986

09M3029

The Honourable J. M. Bradley, M.P.P.,
Minister of the Environment,
Government of Ontario,
135 St. Clair Avenue West,
Toronto, Ontario.
M4V 1P5

Dear Mr. Bradley,

I was very pleased to receive a copy of your June 1986 White Paper entitled "A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters," which outlines the new Ontario Municipal-Industrial Strategy for Abatement (MISA). This noteworthy program will lead to a significant improvement in Ontario's existing regulatory framework for addressing the control of toxic substances.

It is imperative that this positive step be brought to the attention of our colleagues in the Canadian Council of Resource and Environment Ministers (CCREM). As you know, one of the items on the agenda of this year's CCREM meeting deals with federal and provincial roles with respect to environmental quality. That item would, I believe, provide you with an appropriate opportunity to outline Ontario's MISA initiative. I intend to speak on how we can collectively improve our systems for managing chemicals and the steps being considered at the federal level to fulfill this aim.

I fully support MISA, and Environment Canada will continue to provide technical and scientific expertise to the Ontario Ministry of the Environment to help develop and implement the abatement strategy further. The Department will also continue to work closely with your Ministry under the co-operative arrangements established through the Canada-Ontario Agreement in support of the International Great Lakes Water Quality Agreement. I consider the MISA program to be an integral part of our joint commitment and efforts to eliminate persistent toxic substances from the Great Lakes.

.../2

Ottawa, Canada K1A 0H3

The White Paper identifies the need to implement complementary controls for the sources of toxic contamination not currently addressed by Ontario's MISA program. Although such joint federal-provincial efforts as the Southwestern Ontario Soil and Water Quality Enhancement program should contribute to the improved control of toxics in agricultural areas, more measures are needed to provide equivalent controls for the discharge of pollutants from industrial and municipal landfill operations, stormwater overflows and atmospheric emissions.

It is encouraging to see that, although MISA applies to Ontario as a whole, early attention is being directed towards the major industries that discharge to the St. Clair River. I understand that the interim findings of our Upper Great Lakes Interconnecting Channels studies will be used in designing the province's MISA regulations for the adjacent Ontario industries and municipalities. This shared use of federal and provincial environmental data is an efficient and cost-effective approach that should be promoted whenever possible.

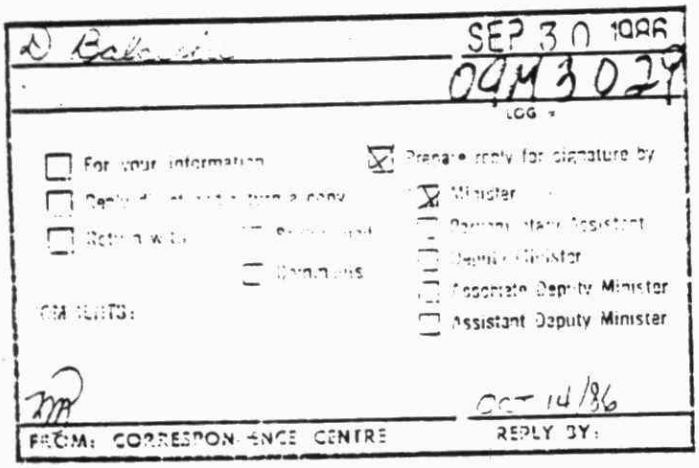
Finally, I commend your Ministry's consultative approach in developing the MISA program. Environment Canada has been pleased to participate in this project, and I shall support your wish that the principles of MISA be adopted elsewhere in Canada.

Warm regards,

Yours sincerely,

Tom McMillan, P.C., M.P.
Hillsborough

Minister of the Environment



ONTARIO WASTE MANAGEMENT CORPORATION

OWMC

Ontario Waste Management Corporation

2 Bloor Street West
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Toronto, Canada
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(416) 923-2918

1986
ASSISTANT DEPUTY MINISTER

August 26, 1986

The Honourable J. Bradley
Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
M4V 1P5

RECEIVED
SEP 1986
WATER RESOURCES BRANCH
ONTARIO MINISTRY OF THE ENVIRONMENT

Dear Mr. Bradley:

In response to your Ministry's request for comments on the Municipal-Industrial Strategy for Abatement, I am enclosing a document containing OWMC's comments. As you will see, we believe the White Paper is an important initiative and of vital importance to OWMC.

We would be pleased to discuss these comments with your officials in more detail, if that would be helpful.

With best wishes.

Sincerely,

D. A. Chant

D. A. Chant,
Chairman and President

xc: R. M. McLeod
A. Castel
D. Balsillie
R. Gotts
D. P. Caplice
C. E. McIntyre
B. Ward
M. B. Jackson

D. BALSILLIE AUG 28 1986
g. Bishop, WRB 0 8M2894
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☐ Associate Deputy Minister
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FROM: CORRESPONDENCE CENTRE REPLY BY:

OWMC COMMENTS ON ONTARIO MINISTRY OF THE ENVIRONMENT'S MUNICIPAL-INDUSTRIAL STRATEGY FOR ABATEMENT

August 20, 1986

INTRODUCTION

Ontario Waste Management Corporation welcomes the initiatives outlined in the Ministry of the Environment's June 1986 White Paper Municipal-Industrial Strategy for Abatement (MISA): A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges into Surface Waters. OWMC sees these initiatives as a logical extension of MOE's programs of the last few years, including:

- establishment of OWMC;
- blueprint for Waste Management;
- revisions to Regulation 309;
- review of Regulation 308.

In the following response to the MISA White Paper, OWMC reviews the major issues, options and approaches outlined in the White Paper, and suggests how OWMC's activities can contribute to achieving MISA's objectives.

COMPONENTS OF MISA

MISA consists of six major components:

- an integrated eco-system approach.
- an information collection and coordination program;
- making the use of best available technology (BAT) a necessary condition of approval;
- enhancement of the process for assessing water quality impacts to consider loadings, not just concentration, and to consider a broader range of contaminants;
- an increased emphasis on ensuring compliance with regulations and control documents;
- involvement of affected and interested parties;

Integrated Approach

The White Paper describes MISA as part of an integrated, eco-system approach:

> In establishing the appropriate control technology, factors other than water quality, such as air quality and solid waste disposal, should be taken into account. For example, it would be unacceptable to have a treatment process that would reduce pollution in water while significantly aggravating air quality or sludge disposal problems (p.15).

MISA and OWMC's proposed facilities are most compatible. OWMC's facilities will make it possible to reduce pollution in water without significantly aggravating air quality or sludge disposal problems.

For example, under the MISA program, it might be deemed desirable to stop discharging used halogenated solvents diluted in process waste waters. The generator must then find a way of recovering these materials or otherwise disposing of them. If the technology implemented is air stripping or evaporation, the contaminants would be prevented from entering water (directly), but only because they are being directed to the atmosphere. OWMC's facility will provide the opportunity to safely destroy these materials, thus preventing contamination of waterways and the atmosphere.

Another aspect of the integrated eco-system approach relates to the way that impacts are assessed. The White Paper recognizes the importance of moving away from ambient environment concentrations as the sole basis for assessing impact. However, it does not explicitly address the importance of indirect routes of exposure of contaminants to receptors, or inter-media transfers after discharge. OWMC's own impact assessment suggests these are important and should be built into impact assessments.

Information

The MISA White Paper makes several references to the development of a data base as an important component of the program, and includes provision for a monitoring period prior to setting of regulations. OWMC recognizes the importance of such a data base, both in determining the need for better control of discharge, and in ensuring that compliance is achieved.

Such a data base could also be very useful to OWMC, other treaters and recyclers to help in estimating the size and nature of the demand for off-site treatment, and trends affecting this demand. To be most effective, OWMC suggests that this data base be integrated with the data emerging from waste registration requirements of Regulation 309, to give a comprehensive picture of material releases from industry.

The White Paper indicates that:

> Computer operations will be streamlined to aid in (a) managing the anticipated flow of extensive monitoring data, (b) identifying violations, and (c) triggering abatement and enforcement action (p.24).

This is a sound approach. OWMC advocates extending it to include discharges into other media as well, using the data from generator registration, and applications for approval of and monitoring of atmospheric releases under the Environmental Protection Act. Ideally, effective control requires full accounting, and balancing of material inputs and outputs to industrial processes. This will be especially useful if the data base includes information on industrial processes and treatment or pretreatment activities. Although this degree of integration will be difficult to achieve, where it is possible, it will make the data base extremely valuable.

Best Available Technology

There is considerable value in the approach the Ministry has suggested for setting effluent limits. The Best Available Technology (BAT) approach will give industrial and municipal planners a clearer view of the Ministry's assessment of the technologies available for the treatment of their effluents.

The White Paper defines BAT as best available technology economically achievable. OWMC is interested in the Ministry's proposals for determining what is "economically achievable". OWMC's own studies of industrial decision-making suggest that industry already chooses waste management options primarily on the basis of least cost, as constrained by legislative requirements. How will this change? At least two possibilities come to mind:

- ensuring that information is available and properly assessed;

- using a broader framework for assessing "economically achievable" which considers more than just the economic costs that the generator sees.

OWMC's waste reduction and technical advisory programs are consistent with the first of these possibilities; the right decision cannot be made if the necessary information is not available.

The second possibility is consistent with OWMC's own planning, which considers the total environment, as defined in the Environmental Assessment Act.

The White Paper recognizes that "best" and "economically achievable" are not constant, and thus: "The Ministry of the Environment will monitor improvements in abatement technology that will provide the basis for setting progressively more stringent effluent limits". OWMC supports this approach.

Impact Assessment

The assessment of water quality impacts will be improved by MISA in two (related) ways:

- by considering a broader range of contaminants;
- by recognizing the importance of total loadings.

OWMC's review of the nature of the problem created by special waste, and toxic contaminants more generally, agrees with the assessment in the white paper. The province should focus on persistent toxic chemicals, many of which are not addressed by the list in the Ministry's Bluebook. For these chemicals, rate of discharge, or loading, is important because of the environment's limited ability to dilute or decompose them. In this situation, prudence dictates that discharges of these contaminants be significantly reduced. OWMC was established to ensure that this would be possible, by providing the capability to treat these contaminants, and to provide a secure disposal location for residues of treatment.

The concept of total loading requires an important change in the thinking of industrial and municipal waste managers. Source reduction of contaminants and the reduction of the large quantities of water used to meet concentration limits can extend the effectiveness and capability of treatment systems (such as sewage treatment plants) and the need for residual disposal.

Compliance

Many of the provisions of MISA already discussed are concerned with ensuring compliance with the policy objective of preventing discharges from impairing environmental quality. They are

commendable in that they are consistent with the latest thinking in control theory, in which the focus of control is shifting from an after-the-injury, punishment-centered response to a before-the-fact concern with eliminating opportunities for injury. Nevertheless, there will still be a need for enforcement and abatement.

The focus in the White Paper is on detection aspects of enforcement, and three mechanisms are identified:

- dischargers being required to notify the Ministry of violations;

- Ministry staff screening the monitoring data submitted by dischargers;

- Ministry staff evaluating data collected during inspections.

In principle, the second of these is likely to be the most effective, however, the White Paper could not go into any detail on how monitoring would be done, how Ministry staff would screen monitoring data, or the resources required by the Ministry to provide effective screening. Presumably these will emerge from the pre-regulation phase of MISA.

The White Paper does not mention any role for the public in helping to achieve compliance. The public's role can be informal or formal. An informal role would be to encourage public reporting of 'unusual" sitings near discharge locations. More important, effective and useful would be to encourage public involvement in monitoring. OWMC is developing proposals for involving residents nearby its facility in monitoring discharges from its facility. OWMC would welcome discussing the planning of this program with the Ministry.

Detection is not the exclusive focus for enforcement activities. Stiffer penalties for violation are being proposed (p.23), and a system for periodic review of control documents will be introduced. OWMC is an advocate of periodic review of control documents, and argued for such at the Tricil landfill expansion hearing under the Environmental Protection Act.

The municipal role in compliance should be carefully considered in order to ensure that municipal objectives in bylaw development and enforcement are in line with the overall provincial abatement strategy.

Consultation

The White Paper discusses mechanisms for involving affected municipalities, industries and the public. As proposed, the design of regulations for monitoring requirements and effluent limits will be done by consultants reporting to a committee consisting of MOE, Environment Canada and respective sector representatives. The public and interest groups will be invited to comment on draft regulations, and data on contaminant discharges will be publicly available.

OWMC welcomes these proposals. OWMC's own experience suggests that involvement of affected parties serves to improve the quality of undertakings.

MISA PROGRAM DEVELOPMENT

The MISA program will be applied in stages to the municipal sector and eight major industrial sectors. The eight industrial sectors

comprise some 200 of Ontario's 300 direct dischargers. The municipal sector consists of about 400 sewage treatment plants taking waste water from some 12,000 industries.

From OWMC's perspective, industries discharging to local sewer systems are of major concern. These are typically small or medium size companies which may not be able to acquire economical on-site treatment because of diseconomies of small scale and they may not have the technical resources to evaluate the available options. To a large extent, it is for these companies that OWMC's facilities and waste reduction programs are being provided. The effect of MISA on these companies is uncertain:

- pre-treatment for industries discharging into sanitary sewers will be considered (p.15, emphasis added);

- control of industries discharging to municipal sewer systems will be reinforced; they may be required to pre-treat their wastewater at source (p.23, emphasis added);

- mechanisms for the control of industrial discharges to municipal sewer systems will be developed in parallel with the municipal control program for STPs (p.24);

- the Ministry is looking further into modifications of the model sewer-use by-law: (a) to improve control of toxics; (b) to review means of strengthening regulatory components; (c) to give consideration for specific, pre-treatment requirements for certain industries and types of pollutants (p.48, emphasis added).

The OWMC facilities will make possible a strong program to control releases into sanitary sewers by making available a secure destination for discharges, or products of pre-treatment of

wastewater discharges. It is not clear that the importance of this possibility has been recognized fully. The success of MISA will depend to a considerable extent on the availability of OWMC's treatment facilities.

CONCLUSIONS AND RECOMMENDATIONS

OWMC is very supportive of the initiatives outlined in the MISA White Paper. They are consistent with and complementary to OWMC's activities in facility development and waste reduction technical advisory programs.

However, OWMC offers the following recommendations to further strengthen the program:

- extend data base programs to include discharges to other environmental media besides water; and process descriptions;
- better define what is meant by the qualifier "economically achievable" applied to BAT;
- include consideration of indirect routes of exposure to receptors, in developing new criteria for water quality;
- investigate ways of involving the public and interest groups in monitoring compliance with control documents and environmental policy objectives;
- divert increased emphasis and resources towards dischargers to municipal sewer systems, many of whom lack the technology and knowledge to solve their own problems.

The MISA initiatives, strengthened by these recommendations and in combination with the technology which OWMC will provide, will go a long way towards addressing the problem of water pollution in Ontario.

UNIVERSITY OF WESTERN ONTARIO

The University of Western Ontario

Department of Plant Sciences
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MINISTRY OF THE ENVIRONMENT
JUL 18 1986
ASSISTANT DEPUTY MINISTER

July 8, 1986

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☐ Reply direct and return a copy
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☒ Minister
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☐ Associate Deputy Minister
☐ Assistant Deputy Minister
COMMENTS:
AUG 6/86
FROM: CORRESPONDENCE CENTRE
REPLY BY 1986

Hon. Jim Bradley, MPP
Minister of the Environment Ontario
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Minister Bradley:

Re: Comments on Municipal - Industrial Strategy for Abatement (MISA), June 1986

The following comments follow your request of June 23, 1986. I have studied the MISA document and indicate the the use of the United States Environmental Protection Agency (EPA) approach called "Best Available Technology Economically Achievable (BAT)"is a reasonable and tested method for achieving pollution reduction. The key components of the MISA program include consultation, monitoring, regulations, abatement and enforcement. Since much of the groundwork in these areas has been completed by EPA, the programs proposed by the Ontario Ministry of Environment (MOE) need not be perceived to have evolved de Novo but instead comparison and contrast with existing EPA programs should both speed and strengthen deliberations over MISA.

I wish to restrict further comments to two aspects: consultation and monitoring abatement --

First, regarding consultation, the organization of the committee structure includes an advisory committee and nine technical committees for the different industrial sectors and the municipal sector. The BAT values will be thrashed out at the technical commitee level and finally discussed at the advisory committee level. Only the advisory committee will irclude a representative from public interest groups while all of the committees will include industrial representatives(the Municipal Engineers Association representing that industry in the municipal committee). My experience in this area (i.e. Pottersburg Creek Technical Committee) shows me that the main BAT action will be at the Technical Committee Level and it is that area that committees should have at least one

.....Continued.....

member free from immediate financial gain (industry) or politics. Each of the technical committees should have a representative from the public. Public interest groups and the academic community provide a wealth of talent which can be brought to bear in each industrial area or in the municipal sector. In summary, the technical committees are the heart and soul of BAT and should include public presence at all stages of deliberation.

Next, turning to monitoring - abatement requirements, it is clear that the key elements in effective monitoring - abatements include effective auditing to ensure that sampling and results reported coincide and QA/QC procedures ensuring that results are reliable. It is, perhaps, needless to point out that there is a huge amount of money involved in abatement and that area is not entirely free from criminal actions not only in the United States but in Canada as well. For example, most pesticides now registered in the United States and Canada were originally registered based on fraudulent studies by an American test laboratory. To ensure effective monitoring and abatement the MISA proposal will have to address criminal actions in monitoring - abatement and spell out penalties.

MISA deals with auditing and ~~AQ/AC~~ QA/QC procedures in a vague manner. The thrust of MISA discussion is that MOE laboratories will principally contribute a "big brother" function and soley determine procedures. That approach could be subject to direct political-economic pressure with a resulting loss in public confidence. One solution to this potential dilemma would be to strike an additional committee on monitoring-abatement laboratory - sampling procedures. In the long run an independent board (similar to police commissions) should permanently watch over monitoring - abatement.

Finally, MISA appears to be a major advance in environmental protection. However, without effective safe guards which do not appear to be "spelled out" in the document, a governing political party could use MISA to reward friends and punish enemies.

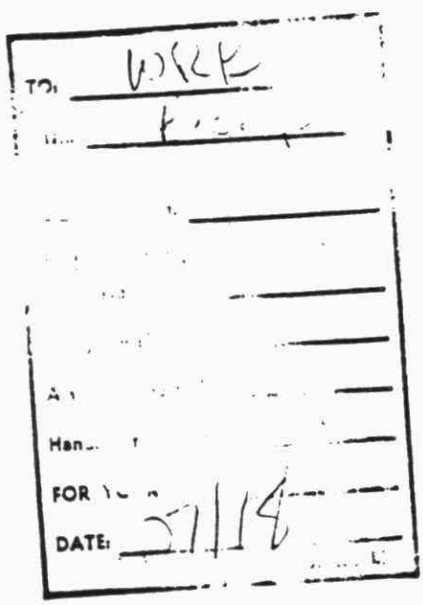
Thank you for considering my comments.

Sincerely,

Joseph E. Cummins

Joseph E. Cummins
Associate Professor
(Genetics)

JEC:hl



BROCK UNIVERSITY

WELLAND RIVER

Brock University

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JUL 17 1986
WATER RESOURCES BRANCH
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☐ Return with ☐ Background ☐ Parliamentary Assistant
☐ Comments ☐ Deputy Minister
COMMENTS: ☐ Associate Deputy Minister
☐ Assistant Deputy Minister
Aug 5
FROM: CORRESPONDENCE CENTRE REPLY BY

July 7, 1986

Mr. Jim Bradley
Minister of the Environment
Ontario Ministry of the Environment
Queen's Park
Toronto, Ontario

Dear Mr. Bradley,

Thank you for providing the group at Brock University with a copy of the white paper on Municipal-Industrial Strategy for Abatement (MISA). All of us feel that the proposed legislation should go a long way in reducing the loadings to our rivers and lakes of toxic compounds. We would, however, ask you to consider the following comment which is not addressed in this document.

JUL 16 1986
ASSOCIATE DEPUTY MINISTER
INTERGOVERNMENTAL AFFAIRS

Our studies of the Welland River indicate that there are basically two types of industrial discharges entering that river:

1. Continuous discharges and
2. Discontinuous shock load discharges

The proposed legislation will address only the first type of discharge. By placing continuous conductivity recorders at the outlets of 14 industries discharging into the Welland River we were able to conclude that shock loading is a very common practice and since the biota of most rivers and lakes reflect the worst conditions and not the mean loading conditions, legislation must be considered which will deal with shock loading situations. Under the present legislation a company which discharges toxic wastes for only a few hours each week or month will have a very low weekly or monthly loading. However the biota downstream of that company will reflect the impact of shock loading and not the mean loading conditions. The evidence for this is presented in the attached manuscript.

In conclusion, legislation which ignores the impact of shock loading to the natural biota of our rivers and lakes falls short of the hopes that many environmentalists have for the protection of these areas.

Thank you for your consideration of these comments.

We are grateful to MOE for making funds available to Brock University for the study of the Welland River and 12 Mile Creek. It is our hope that comments such as the above will be viewed as constructive and supportive of the long term goals of the MOE.

Sincerely yours,

Mike Dickman, President,
Niagara Ecosystem Taskforce.

MD:mf
enc.

c.c. Canadian Environmental Law Association

Pollution Probe

GARDINER, BLUMBERG, SOMER

GARDINER, BLUMBERG, SOMER
BARRISTERS & SOLICITORS

P. Lets

J. ROBERT GARDINER
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MINISTRY OF THE ENVIRONMENT
SEP 26 1986
ASSISTANT DEPUTY MINISTER

September 23, 1986

The Honourable James Bradley
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Sir

RE: Sewer and Drain Problems

According to a recent letter from Action Fund to Stop Sewer Abuse, a large number of untreated toxic chemicals are passing straight through water treatment plants into our drinking water, involving at least 300 different chemicals from at least 11,000 industries. Moreover chemical wastes are being burnt and releasing highly toxic chemicals such as PCB's into the air and ground water. Furthermore, some sewage sludge is used as fertilizer and contains toxics which enter into the food chain effecting our future food supplies.

It is surprising to learn that Ontario does not regulate these toxics and the manner in which they enter and leave the public sewers. It is surprising that the municipal sewage treatment plants are exempt from prosecution and that industries are allowed to create these forms of pollution.

Are you currently working on any legal enforceable toxic chemical control standards?

I hope that you will accept the recommendations of Action Fund to Stop Sewer Abuse to take over controls on sewer dumping, enforce provincial standards on what can legally be flushed into the public drains and remove the exemption from prosecution for municipal sewage plants.

I would also like to specifically point out that I admire the action your ministry has taken recently on a number ecological fronts and I hope that you will continue your work in the above regard.

Yours truly,

J. Robert Gardiner
JRG*cv

SEP 25 1986
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☐ For your information
☒ Prepare reply for signature by
☒ Minister
☐ Parliamentary Assistant
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☐ Assistant Deputy Minister
☐ Comments
OCT 15/86
FROM: CORRESPONDENCE CENTRE
REPLY BY:

TD
423
.P832
1987

The public review of the MISA white paper and the Ministry of the Environment's response to it.

79209